ORDINANCE NO. 1744

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING SECTIONS 17.84.380 AND 16.90 OF THE CITY OF WOODLAND MUNICIPAL CODE RELATED TO URBAN LOT SPLITS AND TWO-UNIT DEVELOPMENT

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill (SB) 9, which generally became operative on January 1, 2022; and

WHEREAS, SB 9 added Government Code Sections 65852.21 and 66411.7 to State law and amended Government Code Section 66452.6 to require local agencies to ministerially approve certain two-unit dwellings and/or a subdivision of one lot into two in any single unit dwelling zone, subject to certain criteria; and

WHEREAS, on September 19, 2024, SB 450 amended Government Code sections 65852.21 and 66411.7 to clarify and update certain provisions; and

WHEREAS, the City's existing subdivision ordinance and zoning ordinance in Titles 16 and 17 of the City of Woodland Municipal Code require amendments to conform to the new State law requirements of SB 450; and

WHEREAS, this ordinance ("Ordinance") therefore updates Woodland Municipal Code sections 16.90 and 17.84.380, to adopt the applicable state standards and provide for local regulation as appropriate; and

WHEREAS, on June 5, 2025, the Planning Commission conducted a duly noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning the Ordinance and following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, an ordinance implementing the provisions of SB 450 is not considered a project under the California Environmental Quality Act (CEQA Pub. Res. Code Sections 21000, *et seq.*) pursuant to Government Code Sections 65852.28(e), 65913.4.5(b), and 66499.41(i); and

WHEREAS, on August 27, 2025, the City gave public notice of a City Council public hearing to be held to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on September 16, 2025, the City Council conducted a duly noticed public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance; (2) the policy considerations discussed therein; and (3) the consideration and recommendation of the Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Woodland does hereby ordain as follows:

SECTION 1. Incorporation of Recitals. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 3. Code Amendment. Sections 16.90 and 17.84.380 of the Woodland Municipal Code are hereby amended and restated to read in their entirety as set forth in Exhibit "A," attached hereto and incorporated herein by this reference.

SECTION 2. CEQA. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment) because this Ordinance will not cause a change in any of the physical conditions within the area affected by the Ordinance. Finally, pursuant to Government Code sections 65852.28, 65913.4.5, and 66499.41, this Ordinance implementing the provisions of SB 450 is not a "project" for purposes of CEQA because it establishes a streamlined, ministerial process to which CEQA does not apply.

SECTION 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

SECTION 5. Certification and Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of Woodland, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with California Government Code, section 36933.

SECTION 6. Effective Date. This Ordinance shall become effective 30 days after its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Woodland, California on the 16th day of September 2025, and **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Woodland at a regular meeting held on the 7th of October 2025 by the following vote:

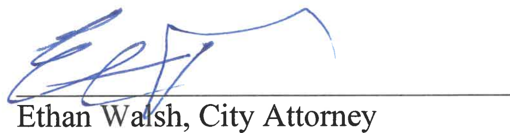
AYES: Members Moreno, Garcia-Cadena, Stallard, and Mayor Lansburgh
NOES: None
ABSENT: Member Vega
ABSTAIN: None

Rich Lansburgh, Mayor

ATTEST:

Marissa Kersey, City Clerk

APPROVED AS TO FORM:



Ethan Walsh, City Attorney

EXHIBIT A

Amended City of Woodland Municipal Code Sections

(follows this page)

CHAPTER 16.90
URBAN LOT SPLITS

§ 16.90.010. Purpose.

The purpose of this chapter is to allow and appropriately regulate urban lot splits in accordance with Government Code Section 66411.7.
(Ord. 1678 § 2, 2021)

§ 16.90.020. Definition.

An "urban lot split" means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this chapter.
(Ord. 1678 § 2, 2021)

§ 16.90.030. Application.

A. 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 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 by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Section 214.15).

B. An application for an urban lot split must be submitted on the City's approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

C. Each map application shall contain information as required in Chapter 16.16 Filing of Tentative Map.

D. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this chapter of the code, in accordance with applicable law. The City Council may establish and change the fee by resolution. The fee must be paid with the application.

(Ord. 1678 § 2, 2021)

§ 16.90.040. Approval.

A. ~~An application for a parcel map for an urban lot split is approved or denied ministerially, by the community development director, without discretionary review.~~ **An application for a parcel map for an urban lot split shall be approved or denied ministerially by the community development director within sixty (60) days from the date the City receives a completed application.**

B. ~~A tentative parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this chapter. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval.~~

(Ord. 1678 § 2, 2021)

An urban lot split must satisfy each of the following requirements:

A. Map Act Compliance.

1. The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Government Code Section 66410 et seq., "SMA"), including implementing requirements in this code, except as otherwise expressly provided in this section.

2. Notwithstanding Section 66411.1 of the SMA, no dedication of rights-of-way or construction of off-site improvements is required for an urban lot split.

B. Zone. The lot to be split is in a single-family residential zone which includes:

1. The ~~R-1~~ **R-L, N-P and R-LM** ~~single-family~~ residential zone**s** citywide;

2. The R-3, R-4, and R-5 single-family residential zones in the Spring Lake specific plan; and

3. The R-4 and R-5 single-family zones in the Southeast Area specific plan.

C. Lot Location.

1. The lot to be split is not located on a site that is any of the following:

a. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.

b. A wetland.

c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

d. A hazardous waste site that has not been cleared for residential use.

e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.

f. Within a 100-year flood hazard area, unless the site has either:

i. Been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or

ii. Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

g. Within a regulatory floodway, unless all development on the site has received a no-rise certification.

h. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

i. Habitat for protected species.

j. Land under conservation easement.

D. Not Historic. The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a City or County landmark or as a historic property or district.

E. No Prior Urban Lot Split.

1. The lot to be split was not established through a prior urban lot split.

2. The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.

F. No Impact on Protected Housing. The urban lot split must not require or include the demolition or alteration of any of the following types of housing:

1. Housing that is income-restricted for households 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 policy power.

3. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060-7060.7) at any time in the 15 years prior to submission of the urban lot split application.

4. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which an urban lot split is sought must provide a notarized statement as to this fact with the application for the parcel map.

G. Lot Size.

1. The lot to be split must be at least 2,400 square feet.

2. The resulting lots must each be at least 1,200 square feet.

3. Each of the resulting lots must be between 60% and 40% of the original lot area.

H. Easements.

1. The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.

2. Each easement must be shown on the parcel map.

3. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map

may be approved, in accordance with Section 16.90.040 above.

I. Lot Access.

1. Each resulting lot must adjoin the public right-of-way and have at least 20 feet of frontage on the public right-of-way. Public right-of-way may include private streets that are open to the public and actively maintained. Private roads and alleys that are not maintained shall not be utilized as primary access.

2. Curb cuts and additional driveways shall be minimized. Shared driveways shall be utilized to the extent possible.

3. Any new driveway shall be no closer than five feet to any other driveway and shall be the narrowest width at the right-of-way possible to allow access.
(Ord. 1678 § 2, 2021)

J. Owner Occupancy. As part of an application for an Urban Lot Split the owner of an original parcel must submit an affidavit, in a form approved by the Community Development Director, stating that the owner intends to occupy one of the existing or proposed housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

§ 16.90.060. Information to be submitted with parcel and final maps.

The following information shall be submitted with all parcel and final maps:

A. Improvement plans as required by Chapter 16.44 of this title.

B. A title report showing the legal owners at the time of submittal of the parcel or final map.

C. A guarantee of title, in form acceptable to the City Engineer and City Attorney, shall be issued by a competent title company to and for the benefit and protection of the City and shall be continued complete up to the instant of recording of the final map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easements being offered for dedication, and all acknowledgments hereto, appear on the proper certificates and are correctly shown on the map, both as to consents as to the making thereof and affidavits of dedication where necessary.

D. A certificate from the County Tax Collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payment of all taxes which are a lien but not yet payable has been filed with the County.

E. Whenever land, easements or rights-of-way are to be dedicated for public use or access or land, easements or rights-of-way are to be granted to public agencies, all such land, easements, or rights-of-way not dedicated or granted by the owner's statement on the final map or parcel map shall be granted by deeds submitted with the final or parcel map.

F. Written evidence of rights-of-entry or permanent easements on or across private property not within the proposed subdivision as may be necessary to allow performance of the work necessary to improve the subdivision, to allow for the maintenance of the subdivision

improvements once completed, to allow for permanent public access to the proposed subdivision, and to allow for and to grant necessary slope rights shall be submitted with the final map or parcel map.

G. Written evidence of such deeds, easements or rights-of-way not within the proposed subdivision as may be necessary to provide for the acceptance of stormwaters generated by the proposed subdivision shall be submitted with the final map or parcel map.

H. All title, rights and easements reasonably required to carry out the purposes of this chapter and the Subdivision Map Act shall be offered for dedication to the City or other appropriate public agency not later than the time the final map or parcel map is filed for approval. Except as provided for urban lot splits in Section 16.90.050.

I. Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.

J. Complete hydrologic and hydraulic calculations of all storm drains and flood flow.

K. The submittal of the final map or parcel map for a common interest development within the meaning of Civil Code Section 4000 et seq., shall include the proposed declaration of covenants, conditions and restrictions in Section 4250, and all other governing documents for the subdivision as are appropriate pursuant to Civil Code Section 4800 et seq. The submittal of the final map or parcel map for all subdivisions other than a common interest development shall include any declaration of covenants, conditions and restrictions proposed in connection therewith. All documents shall be subject to review and approval by the City Engineer and City Attorney.

L. In the event sewer, water, drainage, grading, paving or other required improvements have not been completed prior to the filing of the final map, an agreement in accordance with the requirements of Chapter 16.44 of this title shall be filed for the improvement thereof. The subdivider shall secure the performance of the agreement in accordance with the requirements of Chapter 16.44.

M. The improvement agreement shall obligate the subdivider to hold the City and its elected officials, officers, agents, employees and volunteers harmless from any liability for damages or claims for damages for personal injury or death, which arise from the operations of the subdivider and/or the subdivider's subcontractors in connection with the subdivision. Evidence of insurance as required by the City indicating the amount of insurance the subdivider or his or her subcontractors in connection with the subdivision. A certificate of insurance shall be provided which names the City as an additional insured. The evidence and certificate of insurance required by this subsection shall be subject to prior review and approval by the City Engineer and City Attorney.

N. Copy of the approved or conditionally approved tentative map and the final conditions of approval.

O. The final map or parcel map shall be accompanied by a statement to be signed by the Community Development Director, which states that the map substantially complies with the conditions of approval imposed by the Planning Commission and/or City Council.

(Prior code § 21-9-5; Ord. 1678 § 2, 2021)

§ 16.90.070. Parcel map preparation.

A parcel map may be compiled from data shown on final maps, records of survey and parcel maps only if such filed or recorded maps were based upon field surveys and were recorded within the last 15 years. Data from a filed survey made within the last 15 years and filed with the City Engineer, County Surveyor or County Recorder may also be used. The 15-year time limit

may be waived by the City Engineer, if it is shown that record monumentation exists and that existing angles and distances on the ground measure within the required limits of record angles and distances. Parcel maps compiled from filed or recorded data shall conform to the requirements of the Subdivision Map Act. All other parcel maps shall be based on a field survey made in conformity with the Professional Land Surveyor's Act (California Business and Professions Code Section 8700 et seq.) and shall conform to the requirements of the Subdivision Map Act (California Government Code Section 66410 et seq.).
(Prior code § 21-9-6; Ord. 1678 § 2, 2021)

§ 16.90.080. Acceptance of dedications.

The City Engineer shall first approve and the City Clerk thereafter may accept or reject on behalf of the City, dedications or offers of dedications, whether made by separate document or by statement on the parcel map or final map.
(Prior code § 21-9-7; Ord. 1678 § 2, 2021)

§ 16.90.090. City Engineer statement on final map.

A. The City Engineer shall sign, date and, below or immediately adjacent to the signature, indicate his or her registration or license number with expiration date and the stamp of his or her seal, the following statement:

1. He or she has examined the map;

2. The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof;

3. All provisions of this chapter and the Subdivision Map Act applicable at the time of approval of the tentative map have been complied with;

4. He or she is satisfied that the map is technically correct.

B. If the City Engineer cannot sign the statement required by subsection A of this section due to deficiencies with the final map, he or she shall return the map, along with a written list of the deficiencies, to the subdivider for correction. Resubmittals of final maps shall be subject to the same time limits as original submittals.
(Prior code § 21-9-8; Ord. 1678 § 2, 2021)

§ 16.90.100. Review and approval of final maps.

A. The City shall disapprove a map for failure to meet or perform any of the requirements or conditions imposed by the Subdivision Map Act or this chapter, which were applicable to the subdivision at the time of approval of the tentative map. Such disapproval shall be accompanied by a finding identifying the requirements or conditions that have not been met or performed. When the failure of the map is the result of a technical and inadvertent error, which, in the determination of the Community Development Director, does not materially affect the validity of the map, the provisions of this subsection may be waived in the discretion of the Community Development Director.

B. The review and approval of final maps shall be as stated below:

1. Pursuant to Section 66442 of the Subdivision Map Act and Section 16.36.080, the City Engineer shall examine the final map. Within 20 days from the time the final map is submitted to the City Engineer, he or she shall complete and file the statement required by Section 16.36.080(A) and approve the map if it conforms to all requirements of the Subdivision Map Act and this title as applicable at the time of approval or conditional approval of the tentative map. If the map does not conform, the City Engineer shall disapprove the map. After approval by the City Engineer, the map shall be forwarded by the City Clerk to the County Recorder for recordation.
   (Prior code § 21-9-9; Ord. 1678 § 2, 2021)

§ 16.90.110. Correction and amendment of maps.

A. After a final map for an urban lot split is filed in the office of the County Recorder, it may be amended by a certificate of correction or an amending map for any of the following purposes:

   1. To correct an error in any course or distance shown.
   2. To show any course or distance that was omitted.
   3. To correct an error in the description of the real property shown on the map.
   4. To indicate monuments set after the death, disability, retirement from practice or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
   5. To show the proper location or character of any monument which has been changed in location or character which originally was shown at the wrong location or incorrectly as to its character.
   6. To correct any other type of map error or omission as approved by the City Engineer, which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps but not changes in courses or distances if not ascertainable from the data shown on the map.

B. The amending map must conform to the requirements of this chapter and must be signed by a registered civil engineer or licensed land surveyor, current property owners and the City Engineer. Said map shall be filed in the office of the County Recorder.
   (Prior code § 21-9-10; Ord. 1678 § 2, 2021)

§ 17.84.380.
Two-Unit Projects

A. Purpose. The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with California Government Code § 65852.21.

B. Definition.

"Two-unit project" means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

C. Application.

1. Only individual property owners may apply for a two-unit project. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or 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 by Revenue and Taxation Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).

2. An application for a two-unit project must be submitted on the City's approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

3. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the Zoning Code, in accordance with applicable law. The City Council may establish and change the fee by resolution. The fee must be paid with the application.

D. Approval.

1. ~~An application for a two-unit project is approved or denied ministerially, by the Director, without discretionary review.~~ **An application for a two-unit shall be approved or denied ministerially by the community development director within sixty (60) days from the date the City receives a completed application.**

2. ~~The ministerial approval of a two unit project does not take effect until the City has confirmed that the required documents have been recorded, such as the deed restriction and easements.~~

E. Requirements. A two-unit project must satisfy each of the following requirements:

1. ***Map Act Compliance.*** The lot must have been legally subdivided.

2. ***Zone.*** The lot is in a single-family residential zone which includes:

   a. R-L, N-P and R-LM zones; the R-3, R-4, and R-5 single-family residential zones in the Spring Lake Specific Plan; and the R-4 and R-5 single-family zones in the Southeast Area Specific Plan.

3. **Lot Location.**

   a. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
   b. A wetland.

   c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

   d. A hazardous waste site that has not been cleared for residential use.

   e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection Building Code standards.

   f. Within a 100-year flood hazard area, unless the site has either:

      i. Been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or

      ii. Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

   g. Within a regulatory floodway, unless all development on the site has received a no-rise certification.

   h. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

   i. Habitat for protected species.

   j. Land under conservation easement.

4. ***Not Historic.*** The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a City or County landmark or as a historic property or district.

5. ***No Impact on Protected Housing.*** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:

   a. Housing that is income-restricted for households of moderate, low, or very low income.

   b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.

   c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (CaliforniaGovernment Code §§ 7060 through 7060.7) at any time in the 15 years prior to submission of the urban lot split application.

   d. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a

notarized statement as to this fact with the application for the parcel map.

6. **Quantity.**

a. ~~No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of the Zoning Code, an ADU, or a JADU.~~

b. A lot that is not created by an urban lot split may have a two-unit project under this section~~, plus any ADU or JADU that must be allowed under State law and the City's ADU ordinance~~.

c. ~~In no case shall there be more than four total units of any kind in total provided as a result of an urban lot split or on a lot that is not created by an urban lot split.~~

7. **Unit Size.**

a. ~~Each primary dwelling built that is developed under this section is limited to 800 square feet of floor area.~~ **New dwelling units are subject to the development standards applicable in the zone where they are to be constructed.**

b. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project.

c. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.

d. *Exception.* One or both primary dwelling units may be expanded if able to meet lot coverage and setback requirements as established in Chapter 17.24, Residential Zones**.**~~, inclusive of all units and accessory structures on the property.~~

8. ~~**Height Restrictions.**~~

a. ~~On a lot that is larger than 2,000 square feet, a new primary dwelling may be 30 feet in height if the rear setback is 20 feet or the side setback is five feet, otherwise, no new primary dwelling unit may exceed 16 feet in height, measured from grade to peak, or tallest point, of the structure.~~

b. ~~On a lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds 16 feet in height as measured from grade to peak or tallest point, must be stepped back by an additional seven feet; no balcony deck or other portion of the second story may project into the step-back.~~

c. ~~No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a two-unit project.~~

9. ~~***Demolition Cap.*** The two-unit project may not involve the demolition of more than 25% of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.~~

10. ***Lot Coverage.*** Structures shall not cover more than 50% of the total lot area. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

11. ~~***Open Space.*** A minimum of 30% of the required rear yard shall be open space. This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.~~

12. **Setbacks.**

    a. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

    b. Dwellings must be at least four feet from the interior side and rear property lines.

    c. ~~Dwellings must be at least 15 feet from a corner street side setback.~~

    d. ~~A front yard setback of at least 25 feet shall be maintained from the front of a new or existing dwelling unit to the required rear yard area of another dwelling unit.~~

    e. ~~Dwellings must be at least 25 feet from the front property lines. Exceptions are as follows:~~

        i. ~~Front yard setbacks of 20 feet are permitted for houses where garages or carports are set back 25 feet. Front yard setbacks of 20 feet are allowed for garages equipped with roll up doors or carports.~~

    f. The front setback area must:

        i. Provide adequate line of sight visibility from driveways, corners, and intersections;

        ii. ~~Be at least 50% landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect; and~~

        iii. Allow for vehicular and fire-safety access to the front structure.

13. ***Parking.*** Each new primary dwelling unit must have at least one off-street parking space per unit unless one of the following applies:

    a. The lot is located within one-half mile walking distance of either:

        i. A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours;

        ii. The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute

periods; or

iii. A site that contains:

(A) An existing rail or bus rapid transit station, or

(B) A ferry terminal served by either a bus or rail transit service.

b. The site is located within one block of a permanent car-share pick up or drop off vehicle location.

14. ***Accessibility.*** All dwellings and structures built or substantially remodeled on the lot must be ADA accessible. "Substantially remodeled" means that more than 10% of the existing floor area is the subject of a Building Permit (see § 17.100.130, Building Permit) or that the existing floor area, including non-livable space, increases by more than 10%. Pedestrians shall have a clear path of travel a minimum of four feet wide and ADA compliant from the principal building entrances to the street.

15. ***Architecture.*** See § 17.56.020, Single-Family and Duplex Design Standards. **New dwelling units are subject to the development standards applicable in the zone where they are to be constructed.**

16. **Landscaping.**

a. All required street front and street-facing side setbacks, except areas used for parking, exit and entry, shall be landscaped.

i. Required landscape areas shall be planted with a combination of ground covers, shrubs, vines, and trees. No more than 25% of the required landscaped area may be turf and shall not be used in areas less than 10 feet wide.

ii. Required landscape areas may include paved, gravel, or bark surfaces, provided they do not cover more than 30% of the required landscape area.

iii. Garden area and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.

b. To the extent possible, existing mature trees on the site shall be preserved whenever it is possible and practical to do so. The project shall comply with the City's Tree Preservation Ordinance.

c. ~~A landscape plan shall be provided with each submittal and shall at minimum include:~~

i. ~~Property lines and public utility easements; structures, streetlights, transformers, trash enclosures, utilities.~~

ii. ~~Grading, including finished planter elevations, grade differentials with adjacent properties, retaining walls, on-site drainage features.~~

iii. ~~Proposed planting list including: botanical and common names, quantities of each species, container sizes, spread and height of plant at maturity, rate of~~

~~growth (fast, moderate, slow).~~

iv. ~~Distance of trees to all structures. Large trees (40 feet to 90 feet in height at maturity) shall not be planted closer than 15 feet to any structure. Medium sized trees (30 feet to 40 feet in height at maturity) shall not be planted closer than 10 feet to any structure.~~

d. All landscaping must be drought-tolerant tolerant and shall be suitable for the local climate. All new landscaping shall comply with the City's Water Conservation Ordinance, California Model Water Efficient Landscape Ordinance, and the CalGreen Code.

e. Automated irrigation system shall be installed to provide coverage of all irrigated landscaped areas and shall have automatic rain shut-off valves.

f. Deciduous shade trees are permitted around the east, west, and south sides of residences to help reduce cooling loads during summer and allow solar gain during the winter months.

g. Landscaping and/or architectural treatments shall be provided to screen views of service elements that include storage areas, trash enclosures, mechanical equipment transformers, HVAC, and other similar elements. Screening shall either be landscaping a minimum of three feet high or architectural screens designed to match building features.

h. ~~Pedestrian walkways and paths of travel shall not be combined with, or be part of driveways unless textures, patterns, and colors are provided to designate separate pedestrian paths.~~

i. ~~There shall be a clear transition between the City sidewalk or public property, and the development property. This is to be achieved through changes in pavement textures, landscaping, and front fencing.~~

i. Fencing in the required front setback, or five feet from the corner side yard setback, shall be in compliance with § 17.64.030, Fences, Walls, and Hedges. Chain-link fencing is prohibited.

j. ~~When next to a side or rear property line of an adjacent property, a solid six-foot-high wood or masonry fence shall be provided on the property line as a buffer.~~

k. Landscaping that is required to help achieve screening of views into an adjacent property shall be planted along the rear or side property line to achieve a 75% summer opacity and 60% winter opacity within three years of planting.~~ At minimum, four medium to large size shrubs at maturity shall be planted per 50 linear feet of buffer. Shrubs shall be a minimum five gallon in size.~~

l. All landscaping shall be installed prior to issuance of a Certificate of Occupancy.

17. ~~***Nonconforming Conditions.*** A two-unit project may only be approved if all nonconforming zoning conditions are corrected, consistent with § 17.80.040, Nonconforming Uses.~~

18. ***Utilities.*** Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.

19. ***Building and Safety.*** All structures built on the lot must comply with all local Building Code requirements.

20. **Separate Conveyance.**

    a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.

    b. Condominium airspace divisions and common interest developments are not permitted within the lot.

    c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

21. **Regulation of Uses.**

    a. *Residential Only.* No nonresidential use is permitted on the lot.

    b. *No Short-Term Rentals.* No dwelling unit on the lot may be rented for a period of less than 30 days.

22. ***Owner Occupancy.*** ~~Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.~~ **If a lot with a proposed Two-Unit project was formed by an Urban Lot Split, the property owner of the lot with a Two-Unit project must occupy one of the dwelling units on the lot as the owner's principal residence.**

23. ~~**Notice of Construction.**~~

    a. ~~At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:~~

        i. ~~Notice that construction has been authorized;~~

        ii. ~~The anticipated start and end dates for construction;~~

        iii. ~~The hours of construction;~~

        iv. ~~Contact information for the project manager (for construction-related complaints); and~~

        v. ~~Contact information for the Building and Safety Department.~~

    b. ~~This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under State law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote~~

~~neighborhood awareness and expectation.~~

24. ***Deed Restriction.*** The owner must record a deed restriction, acceptable to the City, that does each of the following:

    a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

    b. Expressly prohibits any nonresidential use of the lot.

    c. Expressly requires the individual property owners to state that they intend to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile for at least three years from the date of approval by the City.

25. ~~**Specific Adverse Impacts.**~~

    a. ~~Notwithstanding anything else in this section, the City may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.~~

    b. ~~"Specific adverse impact" has the same meaning as in Government Code § 65589.5(d)(2): "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" and does not include: (i) inconsistency with this Zoning Code or General Plan land use designation; or (ii) the eligibility to claim a welfare exemption under Revenue and Taxation Code § 214(g).~~

    c. ~~The Building Official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.~~
    ~~(Ord. 1722, 6/18/2024)~~