

EXHIBIT A

Article XIV. Senate Bill 9 (SB 9) Housing Development Approvals and Urban Lot Splits

18.20.1000 - Purpose and intent.

In accordance with California Government Code Sections 65852.21, 66411.7, and 66452.6, the City intends for this article to regulate SB 9 urban lot splits and the ability to develop or create two residential units within a single-family residential zone to the greatest extent feasible as permitted under California housing laws, while retaining the character of the City's single-family neighborhoods. In doing so, and to ensure that no avoidable adverse impacts on the public health, safety, and general welfare result from the creation of multiple residential units on what previously only allowed a single-family dwelling, this article prescribes standards for the approval of such units and SB 9 related units and SB 9 urban lot splits that limit the circumstances under which they may be permitted consistent with the purpose and intent of this article. If there are any conflicts between this local ordinance and California Government Code Sections 65852.21, 66411.7, and 66452.6, then the state law preempts any local law.

18.20.1010 – SB 9 Housing Development and Lot Split Applicability.

A proposed housing development containing no more than two residential units within a single-family residential zone, and a parcel map for an SB 9 urban lot split, shall be considered ministerially, without discretionary review or a hearing, if the proposed SB 9 housing development and/or SB 9 urban lot split meet all of the following requirements:

A. The parcel is not located on a site that is any of the following:

1. Within a high or very high fire hazard severity zone, unless the subject site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

2. A hazardous waste site, unless the site has been appropriately cleared for residential use.

3. Within a delineated earthquake fault zone, unless the development complies with applicable seismic protection building code standards.

4. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency, unless either of the following are met:

a. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City; or

b. The site meets the Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

5. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, other adopted natural resource protection plan, lands under conservation easement, or habitat for protected species.

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6. Any other applicable requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of California Government Code Section 65913.4.

B. Notwithstanding any provision of this section or any other local law, the proposed housing development 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. Housing that has been occupied by a tenant in the last three years. In the event that a tenant has not occupied housing upon which the SB 9 housing development is proposed within the last three years, the construction of the proposed housing development does not require the demolition of more than 25 percent of the existing exterior structural walls.

C. The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Government Code 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.

D. The development 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 or county landmark or historic property or district pursuant to a city or county ordinance.

E. Only individual property owners may apply for an urban lot split. "Individual property owner" means a 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 Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15)

18.20.1020 - Standards and criteria for dwelling units created.

The following standards and criteria shall apply to all proposed residential units permitted under this Article. Notwithstanding these requirements, all residential lots zoned for single-family use shall be permitted to construct up to two dwelling units which are at least, but no more than, 800 square feet in floor area. For purposes of this section, any existing dwelling including any accessory dwelling unit or junior accessory dwelling unit, shall count towards the two dwelling unit maximum.

A. Setbacks. All SB 9 housing developments shall maintain the front yard setback for the applicable zoning district in which the lot is located. However, SB 9 housing developments shall maintain a minimum four (4) foot setback on the side and rear yards. No

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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.

Whenever a side yard or rear yard abuts a street, a minimum setback of 10 feet shall be required on the street side yard and the setback for the zone shall apply to the rear street-side lot line.

B. Parking. A minimum of one covered parking space shall be required for each SB 9 housing development. Notwithstanding this parking requirement, the City shall not impose parking standards for an SB 9 housing development in any of the following instances:

1. The parcel on which the SB 9 housing development is located is within one-half mile walking distance of either a high-quality transit corridor or a major transit stop.
2. When there is a car share vehicle located within one block of the parcel on which the SB 9 housing development is located.

C. Building separation, landscaping and lot coverage requirements. Unless otherwise specified in this Article, an SB 9 housing development shall comply with the building separation, landscaping and lot coverage standards of the applicable zoning district in which the lot is located.

The building lot coverage limitation shall include all structures, including the main residence, any SB 9 housing development, any accessory dwelling unit, garages, etc. The totality of the structure(s) on the lot shall not exceed the allowable building lot coverage

specified in the zone in which the SB 9 housing development is proposed.

D. Short term rentals prohibited. SB 9 housing developments shall not be rented or leased for less than 30-consecutive days. Furthermore, a Deed Restriction prepared by the City shall be recorded on the subject property prior to issuance building permits of the SB 9 housing development stating that any dwelling constructed upon property subject to the SB 9 housing development shall not be rented for less than 30 days and that the deed restriction runs with the land with the provision that this will be enforced against future owners of the property.

E. Mobile homes/recreational vehicles. SB 9 housing developments shall not be a mobile home or recreational vehicle.

F. Exterior design. The design of the SB 9 housing development, including, but not limited to, building form, materials, exterior finishes, color scheme, and landscaping shall be compatible with the primary dwelling (if one exists) and with the surrounding neighborhood to the greatest extent feasible.

G. Exterior entrances. There shall not be more than one exterior entrance per unit on the front or on any street side of the SB 9 housing development.

H. Maximum Height/Stories. All SB 9 housing developments shall be subject to a height limitation of sixteen (16) feet and shall be limited to one story.

I. Unless otherwise specified by the provisions of this chapter or State law,

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SB 9 housing developments shall be required to comply with all provisions of the underlying zoning designation and all regulations required for a primary single-family dwelling unit, including but not limited to all applicable building and construction requirements.

J. The owner of the property shall sign an affidavit stating that the applicant 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 lot split. Furthermore, a Deed Restriction prepared by the City shall be recorded on the subject property prior to issuance of building permits for any SB 9 housing development stating that the applicant shall occupy one of the dwelling units constructed upon a parcel created by an SB 9 housing development for a period of three years from the date of approval of the SB 9 housing development as his or her primary residence and that the deed restriction runs with the land with the provision that this will be enforced against future owners of the property for a period of three years from the date of approval.

K. No accessory dwelling unit or junior accessory dwelling unit shall be permitted on a lot which contains two SB 9 housing development units.

L. No SB 9 housing development shall be established on any lot which has an existing development constructed upon it, which is non-conforming with respect to the City's current use or development standards without obtaining a Design Review pursuant to Article II of Chapter 18.36 of this title.

M. The City shall review each SB 9 Housing Development Application for any other issues related to adequacy of water or sewer services, and/or the impact of the proposed development on traffic flow, or public safety. In the event that the City identifies a potential issue with respect to adequate water/sewer, traffic flow, or public safety, the City may deny the Application and/or require the applicant to submit a Design Review pursuant to Article II of Chapter 18.36 of this title.

N. Additional Requirements.

1. All SB 9 housing developments shall be constructed upon a permanent foundation.

2. SB 9 housing developments shall include sufficient permanent provisions for living, sleeping, eating, cooking, and sanitation, including but not limited to washer dryer hookups and kitchen facilities.

3. All SB 9 housing developments must have separate utility connections and separate utility meters.

4. Each SB 9 housing development unit shall be connected to the public sewer, and that connection shall be subject to a connection fee, or capacity charge, or both.

5. All SB 9 housing developments must meet the requirements of all Uniform Codes, including but not limited to the California Building Code and the California Fire Code, as such codes have been adopted and amended by Title 15 of the City of Yorba Linda Municipal Code.

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6. Solar panels shall be required for any SB 9 housing development to an extent sufficient to meet the electrical load demand of each unit wherever feasible.

7. No roof decks or balconies shall be constructed above or upon a SB 9 housing development.

9. In the event that the property upon which the SB 9 housing development is proposed is located within a Homeowners Association ("HOA"), the applicant shall submit to the City written evidence of the HOA's approval of the SB 9 housing development concurrent with their SB 9 housing development permit application.

18.20.1030 – Standards and criteria for SB 9 urban lot splits.

SB 9 urban lot splits must meet all the following requirements:

A. The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

B. Both newly created parcels shall be no smaller than 1,200 square feet.

C. Lots created from an SB 9 urban lot split may not be further subdivided.

D. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner may subdivide an adjacent parcel using an SB 9 urban lot split as provided in this Article.

E. An SB 9 urban lot split shall comply with all applicable objective requirements of the Subdivision Map Act unless otherwise specified in this Article or in State law.

F. No dedications of rights-of-way or construction of off-site improvements may be required for the parcels being created. However, the City may require any of the following conditions when considering an application for a parcel map for an SB 9 urban lot split:

1. Easements for the provision of public services and facilities.

2. A requirement that all parcels have access to, provide access to, or adjoin the public right-of-way.

G. The owner of the property shall sign an affidavit stating that the applicant 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 lot split.

H. A Deed Restriction prepared by the City shall be recorded on the subject property prior to issuance of the SB 9 urban lot split permit stating the following:

1. That any dwelling constructed upon property subject to the SB 9 urban lot split shall not be rented for less than 30 days;

2. That the applicant shall occupy one of the dwelling units constructed upon a parcel created by an SB 9 urban lot split for a period of three years from the date of approval of the SB 9 urban lot split as his or her primary residence; and

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3. That the deed restriction runs with the land and each provision therein may be enforced against future owners of the property.

I. Associated Permits. If an application for a SB 9 urban lot split triggers the requirement for a discretionary or ministerial permit other than a SB 9 urban lot split and/or a building permit (including but not limited to a Design Review and/or Conditional Use Permit), those associated permits must be applied for and obtained prior to application for an SB 9 urban lot split permit. The process for obtaining the associated permit(s) shall be as set forth in Chapter 18.36 of this title.

18.20.870 - Notification.

The applicant shall provide the Community Development Director with property ownership information of the adjacent and contiguous parcels for each SB 9 housing development permit application and SB 9 urban lot split permit application. Additionally, the applicant shall provide a radius map drawn on the Assessor's Parcel Map, indicating the adjacent and contiguous parcels.

The Community Development Director shall provide written notice to all adjacent property owners that the proposed SB 9 urban housing development and/or SB 9 urban lot split has been determined to comply with all provisions of this Article.

18.20.880 - Appeals.

An applicant or an interested and affected person may file an appeal of a determination to approve or deny an

application for an accessory dwelling unit to the Planning Commission to determine adherence to the standards in this Article. Any such appeal shall be in writing and accompanied by payment of the fee for appeals, as established by City Council resolution. The appeal shall state the grounds for the appeal and shall be filed with the City Clerk within fifteen (15) calendar days of the determination. The Planning Commission shall, within thirty (30) calendar days after the appeal is filed, consider the appeal, without a public hearing, and decide the matter as soon thereafter as is reasonably feasible. Notice of the appeal shall be given in accordance with Section 18.20.870.