



Department of Conservation and Development

County Planning Commission

Wednesday, February 9, 2022 – 6:30. P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	County-Initiated Zoning Text Amendment to Add Chapter 88-36 and Article 94-4.10 to the County Ordinance Code
County File:	Zoning Text CDZT21-00002
Applicant/Owner:	Contra Costa County
Zoning/General Plan:	Countywide
Site Address/Location:	Countywide
California Environmental Quality Act (CEQA) Status:	Not a Project, CEQA Guidelines Section 15060(c)(3), Government Code Section 65852.21(j), Government Code Section 66411.7(n)
Project Planner:	Stan Muraoka, Principal Planner (925) 655-2876
Staff Recommendation:	Recommend Board of Supervisors approval (See section II for full recommendation)

I. PROJECT SUMMARY

This is a County-initiated zoning text amendment to add Chapter 88-36 to the County Ordinance Code to authorize and regulate the development of up to two residential units on a parcel located in a single-family residential zone (urban housing development) in accordance with Government Code Sections 65852.21 and 66411.7; and, add Article 94-4.10 to the County Ordinance Code to authorize the ministerial approval of a parcel map for a subdivision of an existing lot in a single-family residential zone into no more than two new parcels (urban lot split) in accordance with Government Code Section 66411.7.

II. RECOMMENDATIONS

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Planning Commission ADOPT a motion recommending that the Board of Supervisors:

- A. FIND for purposes of compliance with the California Environmental Quality Act (CEQA) that the proposed zoning text amendment is not a project pursuant to CEQA Guidelines Section 15060(c)(3), Government Code Section 65852.21(j), and Government Code Section 66411.7(n).
- B. FIND that the proposed zoning text amendment to add Chapter 88-36 and Article 94-4.10 to the County Ordinance Code is consistent with the County General Plan and Zoning Code.
- C. ADOPT the proposed zoning text amendment to add Chapter 88-36 that complies with the provisions of California Government Code Sections 65852.21 and 66411.7, and add Article 94-4.10 that complies with the provisions of California Government Code Section 66411.7.

III. BACKGROUND

Senate Bill 9 was approved by the Governor on September 16, 2021. This Bill became effective on January 1, 2022. The intent of the state legislation is to ministerially approve construction of up to two single-family residences on a qualifying urban parcel in a single-family residential zone, and to ministerially approve a parcel map of a qualifying urban parcel for a subdivision of up to two residential lots.

IV. PROPOSED ZONING TEXT AMENDMENT

- A. Chapter 88-36: The proposed zoning text amendment would add Chapter 88-36 to the County Ordinance Code to regulate development of a qualifying parcel in a single-family residential zone with an urban housing development consisting of up to two single-family residences. The residential units can be either detached or attached. Chapter 88-36 establishes a procedure for reviewing and approving the urban housing development to ensure and maintain healthy and safe residential living environments. Pursuant to Chapter 88-36, the Department would ministerially approve the urban housing development permit without public notice or a public hearing. The urban housing development would be

subject to the following qualifications and development standards, which are consistent with Government Code Sections 65852.21 and 66411.7.

1. Location. The urban housing development must be located on a parcel that complies with the requirements of Government Code Sections 65852.21, 65913.4(a)(6), and 66411.7 including being located:

- In a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100).
- Within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- NOT within a historic district or a property included on the State Historic Resources Inventory or the County Historic Resources Inventory.
- NOT on prime farmland or farmland of statewide importance or in the AC, Agricultural Core, General Plan Land Use designation.
- NOT on wetlands, as defined by the United States Fish and Wildlife Service.
- NOT within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection.
- NOT on a listed hazardous waste site or a hazardous waste site designated by the Department of Toxic Substances Control.
- NOT within a delineated earthquake fault zone on any official map published by the State Geologist.
- NOT within a 100 year flood area on any official map published by the Federal Emergency Management Agency.
- NOT on a site that does not meet minimum flood plain management criteria of the National Flood Insurance Program.

- NOT on a site identified for conservation in the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan.
- NOT on a site that has habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species, the California Endangered Species Act, or the Native Plant Protection Act.
- NOT on a site under a conservation easement.

Government Code Section 65913.4(a)(6) does allow for certain location exceptions including exceptions for:

- A parcel located within a high or very high fire hazard severity zone.
- A listed hazardous waste site or a hazardous waste site.
- A site within a delineated earthquake fault zone.
- A site within a 100 year flood area.
- A site that does not meet minimum flood plain management criteria.

Written documentation would be required to prove any allowable exception.

2. Demolition of Existing Housing. An urban housing development may NOT require demolition or alteration of the following:

- A residential unit that is a deed-restricted below-market-rate residential unit.
- A residential unit that is subject to any form of rent or price control.
- A residential unit that has been occupied by a tenant in the last three years.

3. Minimum Lot Size. An urban housing development would be allowed on a parcel that is 1,200 square feet or more in size.

4. Residential Uses. Only residential uses and structures for residential uses would be allowed in an urban housing development.
5. Two-Unit Maximum. A maximum of two residential units would be allowed.
6. Small Lot Design Review. Approval of an urban housing development is ministerial, and therefore, small lot design review per County Code Section 82-10.002(c) would not apply to an urban housing development.
7. Lot Coverage. The urban housing development would be subject to the following lot coverage standards:
 - 67 percent of the lot area on a parcel that is less than 3,000 square feet in size.
 - 50 percent of the lot area on a parcel that is 3,000 square feet or more but less than 6,000 square feet in size.
 - 40 percent of the lot area on a parcel that is 6,000 square feet or more but less than 12,000 square feet in size.
 - 30 percent of the lot area on a parcel that is 12,000 square feet or more in size.

If the parcel has an existing residential unit, the lot coverage standards may be exceeded to allow a new residential unit that does not exceed:

- 800 square feet on a parcel that is less than 6,000 square feet in size.
 - 1,000 square feet on a parcel that is 6,000 square feet or more but less than 12,000 square feet in size.
 - 1,200 square feet on a parcel that is 12,000 square feet or more in size.
8. Building Height. A residential unit in an urban housing development may be up to two and one-half stories or thirty-five feet in height, except for that portion of the residential unit within the normal front setback, side yard, or rear yard for the single-family residential district, which would be limited to sixteen feet in height.

9. Setbacks and Yards. Side and rear yards of four feet are allowed for a residential unit in an urban housing development.

There are no setback or yard requirements for an existing residential unit, or a new residential unit constructed in the same location and to the same dimensions as an existing residential unit.

10. Parking. A parcel with an urban housing development would be required to provide at least one off-street parking space per residential unit.

The parking requirement is waived for an urban housing development located:

- Within one-half mile walking distance of a major transit stop.
- Within one-half mile walking distance of a high-quality transit corridor.
- Within one block of a car share vehicle pick-up location.

11. Drainage. The parcel containing an urban housing development must meet the collect and convey requirements for drainage in accordance with Division 914 of the County Ordinance Code.

12. Stormwater Management. An urban housing development must comply with the applicable rules, regulations, and standards of the County's National Pollutant Discharge Elimination System permit.

13. Accessory Dwelling Units. An urban housing development may include and accessory dwelling unit or junior accessory dwelling unit pursuant to County Code Chapter 82-24; however, an urban housing development consisting of two residential units on a lot created by an urban lot split may not include an accessory dwelling unit or junior accessory dwelling unit.

14. Short-Term Rental. No residential unit in an urban housing development may be rented or offered for rent for a term of less than 30 days.

- B. Article 94-4.10: The proposed zoning text amendment would add Article 94-4.10 to the County Ordinance Code to provide for an urban lot split of a qualifying

parcel in a single-family residential zone into two approximately equal size parcels. Article 94-4.10 establishes a procedure for reviewing and approving a parcel map for an urban lot split. Pursuant to Article 94-4.10, the Board of Supervisors would ministerially approve the urban housing development. A parcel map for an urban lot split would be subject to the following qualifications and map standards, which are consistent with Government Code Section 66411.7.

1. Location. The urban lot split parcel map must comply with the requirements of Government Code Sections 65913.4(a)(6) and 66411.7 including being located:

- In a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100).
- Within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- NOT within a historic district or a property included on the State Historic Resources Inventory or the County Historic Resources Inventory.
- NOT on prime farmland or farmland of statewide importance or in the AC, Agricultural Core, General Plan Land Use designation.
- NOT on wetlands, as defined by the United States Fish and Wildlife Service.
- NOT within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection.
- NOT on a listed hazardous waste site or a hazardous waste site designated by the Department of Toxic Substances Control.
- NOT within a delineated earthquake fault zone on any official map published by the State Geologist.
- NOT within a 100 year flood area on any official map published by the Federal Emergency Management Agency.

- NOT on a site that does not meet minimum flood plain management criteria of the National Flood Insurance Program.
- NOT on a site identified for conservation in the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan.
- NOT on a site that has habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species, the California Endangered Species Act, or the Native Plant Protection Act.
- NOT on a site under a conservation easement.

Government Code Section 65913.4(a)(6) does allow for certain exceptions including exceptions for:

- A parcel located within a high or very high fire hazard severity zone.
- A listed hazardous waste site or a hazardous waste site.
- A site within a delineated earthquake fault zone.
- A site within a 100 year flood area.
- A site that does not meet minimum flood plain management criteria.

Written documentation would be required to prove any allowable exception.

2. Urban Lot Split Affidavit. The urban lot split application must include a statement of the owner, signed under penalty of perjury under California law that declares all of the following:

- The proposed Urban lot Split will not require or authorize demolition or alteration of any of the following types of housing:
 - (A) A residential unit that is a deed-restricted below-market-rate residential unit.

(B) A residential unit that is subject to any form of rent or price control.

(C) A residential unit that has been occupied by a tenant in the last three years.

- The parcel for the Urban Lot Split has not been established through a prior Urban Lot Split.
 - Neither the owner of the parcel or any person acting in concert with the owner has previously subdivided and adjacent parcel through an Urban Lot Split.
 - The owner intends to occupy one of the residential units located on a resultant lot of an urban lot split as their principal residence for a minimum of three years after the date the parcel map is recorded.
 - No residential unit on any resultant lot of an urban lot split will be rented or offered for rent for a term of less than 30 days.
 - The uses allowed on a resultant lot of an urban lot split will be limited to residential uses.
3. Map Requirements. A parcel map for an urban lot split must be prepared by a registered civil engineer or licensed land surveyor and meet the requirements of Government Code Sections 66444 through 66450 (Subdivision Map Act).
4. Supplemental Information. The following supplemental information must be submitted with an urban lot split application, include all of the following:
- Total area (in acreage and square feet) of each proposed lot.
 - The location and dimensions of existing and proposed property lines.
 - The land use (zoning) district.
 - The location and use of all existing and proposed structures.

- All required setbacks and yards for the existing and proposed lots.
 - The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements.
 - The location of all proposed new water, sewer, electricity, storm drain, or gas service lines, pipes, or systems.
 - The location of any proposed easements for access or public utilities to serve a lot created by the subdivision.
 - Any area of the parcel that is a watercourse by delineating the flow line and top of bank of the watercourse.
 - The name and dimensions, including right-of-way and improved area, of public and private streets adjoining the parcel.
 - The location of existing or proposed driveway dimensions, materials, and slope (including cross slope).
5. Minimum Lot Size. The parcel map for an urban lot split must create no more than two new lots of approximately equal area. No resultant lot may be smaller than 40 percent of the original parcel, and each resultant lot may not be smaller than 1,200 square feet in size.
6. Water and Sewer Connection. Each resultant lot of an urban lot split would be required to have a separate water service meter and a separate sewer connection.
7. Drainage. Each resultant lot of an urban lot split must meet the collect and convey requirements for drainage in accordance with Division 914 of the County Ordinance Code.
8. Preliminary Drainage Plan. The urban lot split application must include a preliminary drainage plan.
9. Stormwater Management. An urban lot split must comply with the applicable rules, regulations, and standards of the County's National Pollutant Discharge Elimination System permit.

10. Access. Each lot of an urban lot split parcel map must front upon or have access to a public street, or be served by an access easement serving no more than two lots.

Access provided must meet the following standards:

- Vehicle access easements serving a maximum of two residential units must have a minimum width of 12 feet, unless a wider driveway is required by the California Fire Code.
 - Vehicle access easements serving three to four residential units must have a minimum width of 25 feet.
 - Vehicle access easements may not be located closer than 25 feet to an intersection.
 - If a vehicle access easement length is more than 75 feet, a vehicle turnaround must be provided.
 - Surfacing of easements and turnaround dimensions must meet the requirements of the California Fire Code and the County Ordinance Code.
11. Frontage Improvements. An urban lot split would be required to provide on-site frontage improvements, including curbs and sidewalks, and dedications for road widening. No off-site frontage improvements would be required.
12. Dedications. An urban lot split would be required to dedicate or convey rights-of-way and development rights pursuant to County Code Chapter 914-14.
13. Primary Building Required. The placement of lot lines on a parcel map for an urban lot split must not result in an accessory building on a lot without a primary building on the same lot.
14. Nonconforming Structure. Lot lines on a parcel map for an urban lot split must not result in a nonconforming existing structure in any respect (e.g., setbacks,

yard, lot coverage, parking), nor cause an increase in the nonconformity of an existing nonconforming structure.

15. Development on a Resultant Lot. Development on a resultant lot of an urban lot split, including grading or vegetation removal, cannot occur without a valid urban housing development permit.
16. Recording of Parcel Map. Neither an urban housing development permit nor a building permit for development on the resultant parcel of an urban lot split would be issued until the urban lot split parcel map is recorded.
17. Further Subdivision Prohibited. Further subdivision of a resultant lot of an urban lot split is prohibited.

V. STAFF ANALYSIS

- A. General Plan Consistency: The proposed zoning text amendment is consistent with the General Plan, in particular, the Housing Element, which includes eight general goals for housing.

By facilitating the development of urban housing developments and urban lot splits, the proposed Ordinance to add Chapter 88-36 and Article 94-4.10 is consistent all of the eight goals. The revised Ordinance would specifically promote the following goals:

Goal 1: Maintain and improve the quality of the existing housing stock and residential neighborhood in Contra Costa County.

Goal 2: Preserve the existing affordable housing stock in Contra Costa County.

Goal 3: Increase the supply of housing with a priority on the development of affordable housing.

Goal 6: Provide adequate sites through appropriate land use and zoning designations to accommodate the County's share of regional housing needs.

Goal 7: Mitigate potential governmental constraints to housing development and affordability.

- B. Zoning Compliance: The proposed zoning text amendment adds Chapter 88-36 and Article 94-4.10 to the County Ordinance Code. As proposed, Chapter 88-36 allows the creation of urban housing developments of up to two residential units on qualifying parcels in single-family residential zones and includes development standards for these residential units to ensure health, safety, and general welfare of the community. Proposed Article 94-4.10 allows the subdivision of qualifying parcels in single-family residential zones into up to two residential lots, and facilitates the creation of urban housing developments on the resultant lots. The zoning text amendment would be consistent with the Government Code and would not conflict in any manner with the County Zoning Code.
- C. Qualifying Parcels. Parcels in unincorporated Contra Costa County that may qualify for an urban housing development or an urban lot split are shown on the attached map. Qualifying parcels would be located in urbanized areas in single-family residential zones that are not subject to environmental constraints as detailed in Sections IV.A.1 and IV.B.1 above.
- D. Applicability to Single-Family Residential Zones. Government Code Sections 65852.21(a) and 66411.7a)(3)(A) limit the applicability of urban housing developments and urban lot splits to single-family residential zones, which are the R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100 Single-Family Residential Districts in unincorporated Contra Costa County. The State law does not identify applicability to P-1 Planned Unit Districts, which may include any land uses permitted by an approved final development plan and are not restricted to single-family residential uses. Moreover, per County Code Section 84-66.204, the intent and purpose of a P-1 District is to allow a large-scale integrated development that provides for and requires cohesive design that would not be accommodated by conventional zoning regulations. Thus, P-1 Districts are not included as qualifying locations in the zoning text amendment.

VI. CONCLUSION

The proposed zoning text amendment to add Chapter 88-36 to the County Ordinance Code and Article 94-4.10 to the County Ordinance Code is consistent with Government Code Sections 65852.21 and 66411.7, as well as the County General Plan and Zoning Code. Staff recommends that the County Planning Commission recommend approval of the zoning text amendment by the Board of Supervisors.

ATTACHMENTS

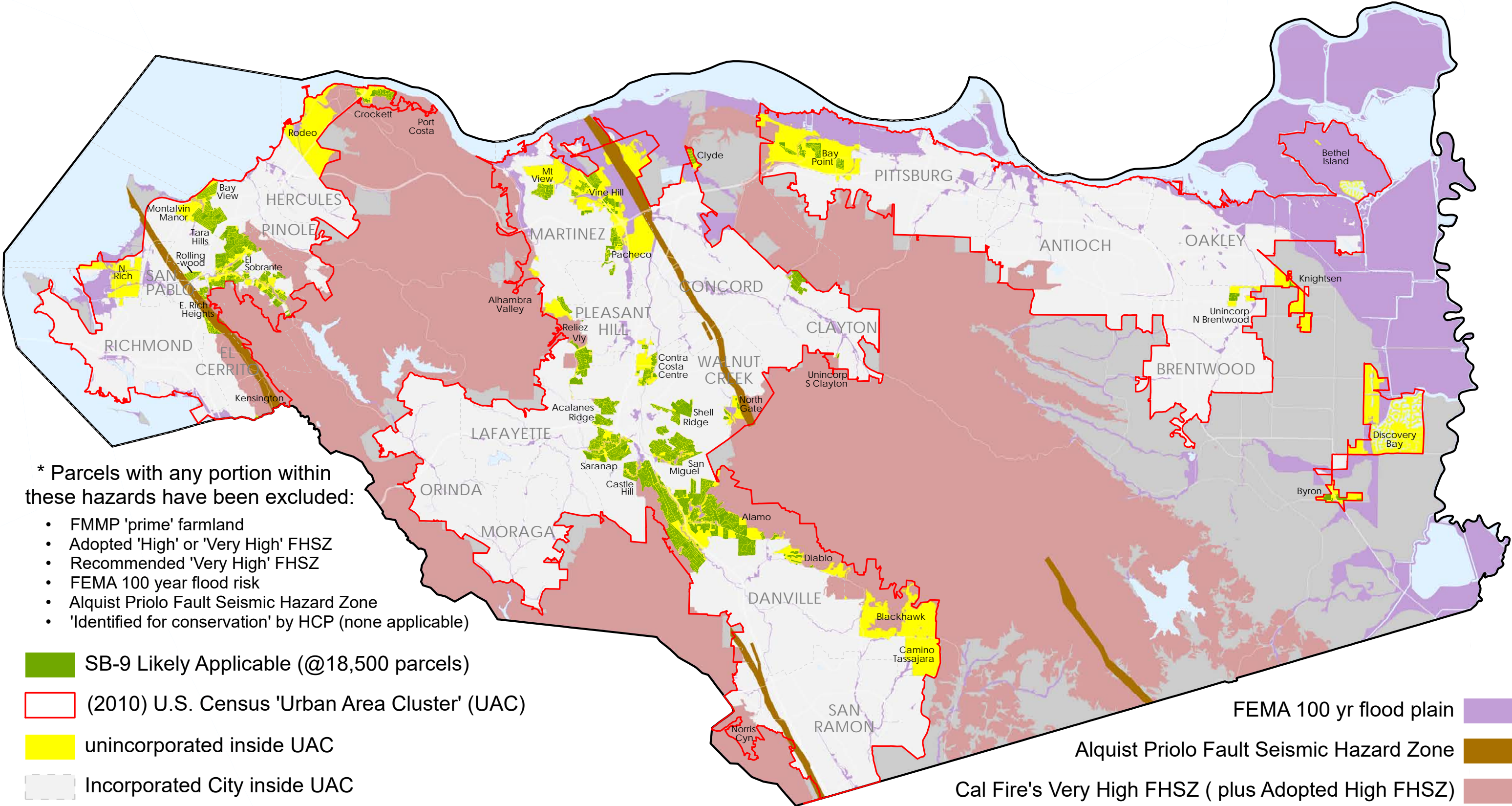
ATTACHMENT 1: QUALIFYING PARCELS MAP

ATTACHMENT 2: DRAFT ORDINANCE

ATTACHMENT 1

QUALIFYING PARCELS MAP SB 9 LIKELY APPLICABLE URBAN PARCELS

SB-9 likely applicable 'Urban' parcels with Single Family Zoning outside designated Hazard Areas*



The Census Bureau will likely release new Urban Clusters in 2022.
Cal Fire will likely release new FHSZ in December 2021
CGS may revise AP Fault Zones as they complete full Seismic Hazard mapping for CCC over the next several years

ATTACHMENT 2

DRAFT ORDINANCE

ORDINANCE NO. 2022-XX

TWO-UNIT RESIDENTIAL DEVELOPMENTS AND LOT SPLITS
IN SINGLE-FAMILY RESIDENTIAL ZONES

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance adds Chapter 88-36 to the County Ordinance Code to authorize and regulate the development of up to two residential units on a parcel located in a single-family residential zone in accordance with Government Code Sections 65852.21 and 66411.7. This ordinance also adds Article 94-4.10 to the County Ordinance Code to authorize the ministerial approval of a parcel map for a subdivision of an existing lot in a single-family residential zone into no more than two new parcels that meet all of the requirements set forth in Government Code Section 66411.7.

SECTION II. Chapter 88-36 is added to the County Ordinance Code, to read:

Chapter 88-36
TWO-UNIT RESIDENTIAL DEVELOPMENTS
IN SINGLE-FAMILY RESIDENTIAL ZONES

88-36.002 Purposes. The purposes of this chapter are to authorize and regulate the development of up to two residential units on a qualifying lot located in a single-family residential zones; to establish a procedure for reviewing and approving the developments to ensure and maintain healthy and safe residential living environments; to establish location and development standards for the developments; and to comply with Government Code Sections 65852.21 and 66411.7, which require local agencies to consider applications for two-unit residential developments ministerially without discretionary review or public hearing. (Ord. 2022-XX § 2.)

88-36.004 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

- (a) “Accessory dwelling unit” has the meaning set forth in Government Code Section 65852.2.
- (b) “Junior accessory dwelling unit” has the meaning set forth in Government Code Section 65852.22.
- (c) “Residential unit” means a single-family dwelling, but does not include an accessory dwelling unit or junior accessory dwelling unit.

- (d) “Urban housing development” means any of the following:
 - (1) A housing development containing no more than two residential units on a lot within a single-family residential zoning district that meets all of the requirements set forth in Government Code Section 65852.21.
 - (2) Any development on a lot created by an urban lot split.
- (e) “Urban lot split” means a subdivision of an existing lot within a single-family residential zoning district into no more than two new parcels that meet all of the requirements set forth in Government Code Section 66411.7 and Article 94-4.410 of this code. (Ord. 2022-XX § 2.)

88-36.006 Permitting procedure.

- (a) Except as otherwise provided in this section, an application for a permit to establish an urban housing development will be approved ministerially without discretionary review or public hearing if the development meets: the location requirements specified in Section 88-36.010; the development standards specified in Section 88-36.012; all applicable building standards in Title 7; and all applicable sewage and water requirements.
- (b) Notwithstanding subsection (a), the Department of Conservation and Development may deny an application for a permit to establish an urban housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed development would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), 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. (Ord. 2022-XX § 2.)

88-36.008 Applications.

- (c) An application for an urban housing development permit must be submitted to the Department of Conservation and Development before a building permit application is submitted to the county.
- (d) An application for an urban housing development permit must be made in writing and contain the following information:
 - (1) Name(s) and address(es) of applicant(s) and property owner(s).
 - (2) Address and assessor’s parcel number for the lot.

- (3) Whether the lot was created by an urban lot split.
- (4) Size, indicating dimensions and square footage, of the existing and proposed dwelling units.
- (5) A legible scale drawing, showing:
 - (A) A north arrow to indicate lot orientation.
 - (B) Lot dimensions and labels for all property lines.
 - (C) Siting and location of the existing and proposed dwelling units.
 - (D) Floor plan configuration of the existing and proposed dwelling units.
 - (E) All other existing improvements, including driveways and parking areas.
 - (F) Exterior design of the existing and proposed residential units. “Exterior design” includes exterior features, such as entrances, windows, and roof.
- (6) Color photographs of the existing dwelling units and surrounding properties taken from each of the property lines of the project site.
- (7) Location and description of water and sanitary services for the existing and proposed dwelling units.
- (8) A preliminary drainage plan.
- (9) Property owner’s consent to physical inspection of the premises.
- (10) A written legal description of the property. (Ord. 2022-XX § 2.)

88-36.010 Location. An urban housing development may be established on any lot that meets all of the following requirements.

- (a) The lot is located in a single-family residential zoning district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100).
- (b) The lot is located within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- (c) The lot meets the requirements of Government Codes Section 65913.4(a)(6)(B)-(K).

- (d) The lot is not located within a historic district or property included on the State Historic Resources Inventory, as defined by Public Resources Code Section 5020.1, or in the County Historic Resources Inventory, as designated by the Board of Supervisors. (Ord. 2022-XX § 2.)

88-36.012 Development standards.

- (a) Uses Allowed. Only residential uses and structures ancillary to residential uses are allowed in an urban housing development.
- (b) Residential Units. An urban housing development may not include more than two residential units.
- (c) Lot Size. The minimum size of a lot with an urban housing development is the 1,200 square feet. Section 82-10.002(c) does not apply to an application for an urban housing development permit.
- (d) Lot Coverage.
 - (1) Except as otherwise provided in this subsection (d), the structures included in an urban housing development may not cover more than:
 - (A) 67 percent of the lot area on a lot of less than 3,000 square feet.
 - (B) 50 percent of the lot area on a lot of 3,000 square feet or more but less than 6,000 square feet.
 - (C) 40 percent of the lot area on a lot of 6,000 square feet or more but less than 12,000 square feet.
 - (D) 30 percent of the lot area on a lot of 12,000 square feet or more.
 - (2) The lot coverage limitations of this subsection may be exceeded to allow construction of one new residential unit on a lot with an existing residential unit, if the new residential unit does not exceed:
 - (A) 800 square feet in size on a lot of less than 6,000 square feet.
 - (B) 1,000 square feet in size on a lot of 6,000 square feet or more but less than 12,000 square feet.

(C) 1,200 square feet in size on a lot of 12,000 square feet or more.

(e) Yards and Building Height.

- (1) Residential units included in an urban housing development must comply with all requirements relating to yards (front setbacks, side, and rear) and building height that are generally applicable to residential construction in the zone in which the lot is located, except as otherwise provided in this subsection (e).
- (2) A setback is not required for an existing residential unit or a residential unit constructed in the same location and to the same dimensions as an existing building.
- (3) A setback of four feet from the side and rear lot lines is required for a residential unit that is not an existing residential unit or is not constructed in the same location and to the same dimensions as an existing building.
- (4) A residential unit or any portion of a residential unit that is located within a front, back, or side yard area applicable to residential construction in the zone in which the lot is located may not exceed 16 feet in height.

(f) Off-Street Parking.

- (1) A lot containing an urban housing development must provide at least one off-street parking space per residential unit, except as otherwise provided in this subsection (f).
- (2) No off-street parking is required for an urban housing development in any of the following instances:
 - (A) The urban housing development is located within one-half mile walking distance of a major transit stop, as defined in Public Resources Code Section 21064.3.
 - (B) The urban housing development is located within one-half mile walking distance of a high-quality transit corridor, as defined in Public Resources Code Section 21155(b).
 - (C) A car share vehicle pick-up location is within one block of the urban housing development. A “car share vehicle” has the same meaning as in Vehicle Code Section 22507.1.

- (g) Accessory Dwelling Units.
 - (1) An urban housing development may include an accessory dwelling unit or junior accessory dwelling unit in accordance with Chapter 82-24.
 - (2) Notwithstanding subsection (1), an urban housing development that includes two residential units on a lot created by an urban lot split may not include an accessory dwelling unit or junior accessory dwelling unit.
- (h) Modifications to Certain Housing Prohibited. An urban housing development may not require demolition or alteration of any of the following types of housing:
 - (1) A residential unit that is a deed-restricted below-market-rate residential unit.
 - (2) A residential unit that is subject to any form of rent or price control.
 - (3) A residential unit that has been occupied by a tenant in the last three years.
- (i) Drainage. A lot containing an urban housing development must collect and convey all stormwater entering or originating on the lot, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code. All storm drainage facilities must be designed and constructed in compliance with this code and Public Works Department design standards.
- (j) Stormwater Management. An urban housing development must comply with all applicable rules, regulations, and standards of the County's National Pollutant Discharge Elimination System (NPDES) permit as required by Division 1014. (Ord. 2022-XX § 2.)

88-36.014 Occupancy. No residential unit that is part of an urban housing development may be rented or offered for rent for a term of less than 30 days. (Ord. 2022-XX § 2.)

88-36.016 Fees. The fees for an urban housing development permit will be in amounts established by the Board of Supervisors in the Department of Conservation and Development's fee schedule. Urban housing developments are subject to all applicable fees for new development. (Ord. 2022-XX § 2.)

SECTION III. Section 84-4.402 of the County Ordinance Code is amended to read:

84-4.402 Uses—Permitted. The following uses are allowed in an R-6 district:

- (1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.
- (2) Crop and tree farming.
- (3) Publicly owned parks and playgrounds.
- (4) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where no more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff.
- (5) A family day care home where care, protection, and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away.
- (6) Bird enclosures in compliance with the provisions of Chapter 82-50.
- (7) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.
- (8) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50.
- (9) An urban housing development in compliance with the provisions of Chapter 88-36. (Ords. 2022-XX § 3, 2020-01 § 6, 2018-06, § 4, 2017-14, § 5, 2003-17 § 4, 86-43 § 2, 78-83 § 1, 77-51 § 2, 68-25 § 2: prior code § 8142(a): Ords. 1269 § 1, 1179 § 3, 1039, 1028, 382 § 4A.)

SECTION IV. Section 84-14.402 of the County Ordinance Code is amended to read:

84-14.402 Uses–Permitted. The following uses are allowed in the R-20 district:

- (1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.
- (2) Crop and tree farming, and horticulture.
- (3) A temporary stand for the sale of agricultural products grown on the premises, with two and one-half acres per stand, set back at least thirty-five feet from the front property line, and operated not more than three months in any calendar year.

- (4) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50.
- (5) Publicly owned parks and playgrounds.
- (6) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where not more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff.
- (7) A family day care home where care, protection, and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away.
- (8) Bird enclosures in compliance with the provisions of Chapter 82-50.
- (9) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.
- (10) An urban housing development in compliance with the provisions of Chapter 88-36. (Ords. 2022-XX § 4, 2020-01 § 7, 2018-06 § 5, 2017-11 § 4, 86-43 § 4, 78-83 § 2, 77-51 § 8, 68-25 § 2, 2033, 2032, 1768 § 2: prior code § 8146(a): Ord. 1269, 1179 § 8, 382 § 4V.)

SECTION V. Section 94-4.096 is added to the County Ordinance Code, to read:

94-4.096 Urban lot split. “Urban lot split” means a subdivision of an existing lot within a single-family residential zoning district into no more than two new parcels that meet all of the requirements set forth in Government Code Section 66411.7 and Article 94-4.10 of this code. (Ord. 2022-XX § 5.)

SECTION VI. Article 94-4.10 is added to the County Ordinance Code, to read:

Article 94-4.10 Urban Lot Split

94-4.1002 Purpose. This article implements Government Code Section 66411.7 to provide an alternative method to subdivide a parcel located within a single-family residential zoning district for the purpose of housing development. (Ord. 2022-XX § 6.)

94-4.1004 Application.

- (a) A parcel map for an urban lot split must be prepared by a registered civil engineer or

licensed land surveyor in accordance with Government Code Sections 66444 through 66450 and this article. A fee in an amount established by the Board of Supervisors must be paid concurrently with the submission of the parcel map.

- (b) The following supplemental information must be submitted with a parcel map application for an urban lot split:
 - (1) A map of appropriate size and to scale showing all of the following:
 - (A) Total area (in acreage and square feet) of each proposed lot.
 - (B) The location and dimensions of existing and proposed property lines.
 - (C) Zoning district.
 - (D) The location and use of all existing and proposed structures.
 - (E) All required zoning setbacks for the existing and proposed lots.
 - (F) The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements.
 - (G) The location of all proposed new water, sewer, electricity, storm drain, or gas service lines, pipes, or systems.
 - (H) The location of any proposed easements for access or public utilities to serve a lot created by the subdivision.
 - (I) Any area of the parcel that is a watercourse by delineating the flow line and top of bank of the watercourse.
 - (J) The name and dimensions, including right-of-way and improved area, of public and private streets adjoining the parcel.
 - (K) The location of existing or proposed driveway dimensions, materials, and slope (including cross slope).
 - (2) A preliminary drainage plan.
 - (3) A statement of the owner, signed under penalty of perjury under the laws of California, that declares all of the following:

- (A) The proposed urban lot split will not require or authorize demolition or alteration of any of the following types of housing:
 - (i) A residential unit that is a deed-restricted below-market-rate residential unit.
 - (ii) A residential unit that is subject to any form of rent or price control.
 - (iii) A residential unit that has been occupied by a tenant in the last three years.
 - (B) The parcel was not established through any prior exercise of an urban lot split under this article.
 - (C) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this article.
 - (D) The owner intends to occupy one of the residential units located on a lot created by the parcel map as their principal residence for a minimum of three years after the date the parcel map was recorded.
 - (E) No residential unit on any lot created by the subdivision will be rented or offered for rent for a term of less than 30 days.
 - (F) The uses allowed on a lot created by the parcel map will be limited to residential uses.
- (4) Any other information as required by the planning department. (Ord. 2022-XX § 6.)

94-4.1006 Approval. A parcel map for an urban lot split will be approved ministerially without discretionary review or public hearing by the Board of Supervisors if the Board determines that the parcel map meets all of the requirements of this article and Government Code Section 66411.7. A tentative parcel map is not required for an urban lot split. (Ord. 2022-XX § 6.)

94-4.1008 Location requirements. A parcel proposed for subdivision under this article must meet the following location requirements:

- (a) The parcel is located in a single-family residential zoning district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100).

- (b) The parcel is located within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- (c) The parcel meets the requirements of Government Codes Section 65913.4(a)(6)(B)-(K).
- (d) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined by Public Resources Code Section 5020.1, or in the County Historic Resources Inventory, as designated by the Board of Supervisors. (Ord. 2022-XX § 6.)

94-4.1010 Design and improvement requirements.

- (a) A parcel map may subdivide an existing legal parcel to create no more than two new lots of approximately equal lot area. Each resulting lot may not be smaller than 40 percent of the area of the original parcel proposed for subdivision, and neither resulting lot may be smaller than 1,200 square feet.
- (b) Each lot must be served by a separate water service meter and a separate sewer connection.
- (c) Each lot must collect and convey all stormwater entering or originating on the lot, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code. All storm drainage facilities must be designed and constructed in compliance with this code and Public Works Department design standards.
- (d) The applicant shall comply with all applicable rules, regulations, and standards of the County's National Pollutant Discharge Elimination System (NPDES) permit as required by Division 1014.
- (e) On-site frontage improvements, including curbs and sidewalks, and dedications for road widening shall be provided as required by Section 96-14.002. No off-site frontage improvements shall be required.
- (f) Rights-of-way and development rights shall be dedicated or conveyed as required by Chapter 914-14.
- (g) The placement of lot lines may not result in an accessory building on a lot without a primary building on the same lot.

- (h) Lot lines may not render an existing structure as nonconforming in any respect (e.g. setbacks, yard, lot coverage, parking), nor increase the nonconformity of an existing nonconforming structure. (Ord. 2022-XX § 6.)

94-4.1012 Access standards. Each lot must front upon or have access to a public street, or be served by an access easement serving no more than two lots. Access must be provided in compliance with these standards:

- (a) Vehicle access easements serving a maximum of two residential units must have a minimum width of 12 feet, unless a wider driveway is required by the California Fire Code.
- (b) Vehicle access easements serving three to four residential units must have a minimum width of 25 feet.
- (c) Vehicle access easements may not be located closer than 25 feet to an intersection.
- (d) If a vehicle access easement length is more than 75 feet, a vehicle turnaround must be provided.
- (e) Surfacing of easements and turnaround dimensions must meet the requirements of the California Fire Code and this code. (Ord. 2022-XX § 6.)

94-4.1014 Map requirements.

- (a) The content and form of a parcel map must meet all the requirements of Government Code Sections 66444 through 66450.
- (b) Except as otherwise provided in this article, a parcel map must meet all the applicable requirements of Chapter 94-4.
- (c) The parcel map must show all easements for public utilities necessary to serve each lot created by the subdivision.
- (d) The parcel map must show all easements necessary to provide each lot with access as required by this article.
- (e) The parcel map shall contain a declaration of each of the following:
 - (1) Each lot created by the parcel map must be used solely for residential uses.

- (2) No more than two single-family dwellings are permitted on each lot.
- (3) Neither an accessory dwelling unit nor junior accessory dwelling unit is permitted on a lot that includes two single-family dwellings.
- (4) No residential unit on a lot created by the parcel map may be rented or offered for rent for a term of less than 30 days. (Ord. 2022-XX § 6.)

94-4.1016 Other permits required.

- (a) No development, including grading or vegetation removal, may commence on either lot, concurrent with or subsequent to an urban lot split, unless the development is approved with a valid urban housing development permit under Chapter 88-36.
- (b) Neither an urban housing development permit nor a building permit for development on a lot created by an urban lot split will be issued until the parcel map is recorded. (Ord. 2022-XX § 6.)

94-4.1018 Prohibition of further subdivision. A lot created by a parcel map under this article may not be further subdivided. (Ord. 2022-XX § 6.)

SECTION VII. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

KCK:

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ORDINANCE NO. 2022-XX