

## **ORDINANCE NO. 16.141**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AMENDING TITLE 17 OF THE SCOTTS VALLEY MUNICIPAL CODE TO ADD A NEW CHAPTER 17.55, SB 9 RESIDENTIAL DEVELOPMENT, AND AMENDING TITLE 16 OF THE SCOTTS VALLEY MUNICIPAL CODE TO ADD A NEW CHAPTER 16.78, URBAN LOT SPLITS, TO IMPLEMENT SENATE BILL (SB) 9**

**WHEREAS**, SB 9 (Chapter 162, Statutes of 2021) enacted amendments to Section 66452.6 and added Sections 65852.21 and 66411.7 to the Government Code, effective January 1, 2022; and

**WHEREAS**, Government Code Section 65852.21 requires local agencies to allow two primary dwellings on one lot in single-family zoning districts if the project meets specified requirements; and

**WHEREAS**, Government Code Section 66411.7 requires local agencies to allow an urban lot split in single-family zoning districts with two dwelling units allowed on each newly created lot if the project meets specified requirements; and

**WHEREAS**, Government Code Sections 65852.21(b) and 66411.7(b) authorizes local agencies to impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with the requirements of SB 9; and

**WHEREAS**, the Planning Commission held a study session on March 14, 2024 to provide input on an approach to address important issues in a local ordinance to implement SB 9; and

**WHEREAS**, City staff used Planning Commission direction to prepare Chapter 17.55, SB 9 Residential Development, to be added to Title 17, Zoning, of the City of Scotts Valley Municipal Code, and to prepare Chapter 16.78, Urban Lot Splits, to be added to Title 16, Subdivisions, of the City of Scotts Valley Municipal Code; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on April 11, 2024, at which time it considered all evidence presented, both written and oral and at the end of the hearing voted to recommend that the City Council adopt this Ordinance; and

**WHEREAS**, the City Council held a duly noticed public hearing on this Ordinance on May 1, 2024, at which time it considered all evidence presented, both written and oral.

NOW, THEREFORE, the City Council of the City of Scotts Valley does hereby ordain as follows:

Section 1. Title 17, Zoning, of the Scotts Valley Municipal Code is hereby amended to add a new Chapter 17.55, SB 9 Residential Development, to read as follows:

**“Chapter 17.55 – SB 9 Residential Development**

<b>17.55.010</b>	<b>Purpose and Intent</b>
<b>17.55.020</b>	<b>Definitions</b>
<b>17.55.030</b>	<b>Permitting Process</b>
<b>17.55.040</b>	<b>General Requirements</b>
<b>17.55.050</b>	<b>Development Standards</b>
<b>17.55.060</b>	<b>Objective Design Standards</b>
<b>17.55.070</b>	<b>Deed Restrictions</b>

**17.55.010 Purpose and Intent**

This chapter contains requirements for SB 9 residential developments pursuant to Government Code Section 65852.21. These requirements are necessary to preserve the public health, safety and general welfare, and to promote orderly growth and development. In cases where a requirement in this chapter directly conflicts with Government Code Section 65852.21, the Government Code governs.

**17.55.020 Definitions**

- A. SB 9 Residential Development.** A residential project on a parcel within a single-family residential zoning district proposed pursuant to Government Code Section 65852.21
- B. Urban Lot Split.** The subdivision of an existing parcel into two parcels within a single-family residential zoning district proposed pursuant to Government Code Section 66411.7 and Municipal Code Chapter 16.78 (Urban Lot Splits).

**17.55.030 Permitting Process**

- A. Building Permit.** An SB 9 residential development requires City approval of a building permit.
- B. Ministerial Approval.** The City shall ministerially approve a building permit for an SB 9 residential development if the application complies with all requirements of this chapter. No public hearing or discretionary review is required.
- C. Urban Lot Splits.** An SB 9 residential development that includes an urban lot split requires City approval of a parcel map pursuant to Municipal Code Chapter 16.78 (Urban Lot Splits).
- D. Eligibility.** The City shall accept an application for an SB 9 residential development only if the project complies with the following requirements.

1. **Zoning District.** The development is located in the R-1 Single-Family Residential, R-R Residential-Rural, or R-MT Residential-Mountain zoning district.
2. **Compliance with Chapter.** The development complies with all applicable requirements of this chapter.
3. **Environmental Resources and Hazards.** The development satisfies the requirements of Government Code subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, which prohibits development on sites subject to specified environmental resources and hazards.
4. **Affordable and Rental Housing.** The development will not require demolition or alteration of any of the types of housing identified in Government Code paragraph (3) of subdivision (a) of Section 65852.21.
5. **Historic Resources.** The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1.

**E. Basis for Denial.**

1. The City shall deny an application for an SB 9 residential development if either of the following is found:
  - a. The development fails to comply with any requirement in this chapter. Any such requirement that is the basis for denial shall be specified by the City in writing.
  - b. The City's 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 paragraph (2) of subdivision (d) of Government Code Section 65589.5, 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.
2. The City shall not deny an SB 9 residential development solely because it conflicts with the City's density limitations for the applicable zoning district.

**17.55.040 General Requirements**

**A. Number of Primary Dwelling Units.**

1. A maximum of two primary dwelling units are allowed on a parcel.
2. If a parcel is subdivided pursuant to Municipal Code Chapter 16.78 (Urban Lot Splits), a maximum of two primary dwelling units are allowed on each newly created parcel. Up to four units are allowed on the two parcels combined.

**B. Accessory Dwelling Units.**

1. **Projects with Urban Lot Split.** The following accessory dwelling unit (ADU) rules apply to a parcel created through an urban lot split as provided in Chapter 16.60 (Urban Lot Splits)
  - a. If the parcel contains one primary dwelling unit, one ADU or Junior ADU is also allowed on the parcel.
  - b. If the parcel contains two primary dwelling units, an ADU or Junior ADU is not allowed on the parcel.
2. **Projects Without Urban Lot Split.** Where a parcel has not been subdivided as provided in Chapter 16.78 (Urban Lot Split), one ADU and/or JADU is allowed on the parcel in addition to the two primary dwelling units.

**C. Utility Connections.**

1. Each primary dwelling unit shall be served by a separate utility connection for water, sewer, gas, and electrical services.
2. The City shall condition approval of a dwelling unit on the dedication of any easements deemed necessary to provide public services to the unit and access to the public right-of-way.

**D. Residential Uses Only.**

1. The primary use of a dwelling unit must be residential.
2. Home occupations consistent with Section 17.50.040 (Home Occupations) and other accessory uses are permitted in a dwelling unit.

**E. Vacation Rentals.** A dwelling unit may not be rented for a term of less than 31 days.

**F. Existing Nonconformities.** Establishing a dwelling unit shall not require the correction of an existing legal nonconforming zoning condition on the property.

**G. Public Health and Safety.** An SB 9 residential development shall comply with the City of Scotts Valley SB 9 Public Health and Safety and Environmental Resource Protection Standards, which are adopted by City Council resolution and may be amended from time to time.

**H. Municipal Code Compliance.**

1. An SB 9 development shall comply with all applicable provisions of the Municipal Code unless otherwise specified in this chapter.
2. In case of conflict between this chapter and other provisions in the Municipal Code, this chapter governs.
3. The City shall not impose any objective Municipal Code standard that would physically preclude the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet. The Community

Development Director shall grant an exception to the applicable standard to the minimum extent necessary to comply with this section.

#### **17.55.050 Development Standards**

##### **A. Building Height.**

1. For an SB9 residential development that complies with the minimum yard requirements of the applicable zoning district and combining district, the maximum building height is 25 feet.
2. For an SB9 residential development that does not comply with the minimum yard requirements of the applicable zoning district and combining district, the maximum building height is 16 feet.

##### **B. Unit Size.**

1. For an SB9 residential development that complies with the minimum yard requirements of the applicable zoning district and combining district, the maximum unit size is 1,250 square feet per unit.
2. For an SB9 residential development that does not comply with the minimum yard requirements of the applicable zoning district and combining district, the maximum unit size is 800 square feet per unit.

##### **C. Yards.**

1. Minimum yards for an SB 9 residential development are as follows:
  - a. Front: As required in the applicable zoning district
  - b. Side: 4 feet, except that no yard is required for a new side lot line shared between two parcels created through an urban lot split.
  - c. Rear: 4 feet.
2. As provided in A and B above, an SB 9 residential development that complies with the minimum yard requirement for a single-family dwelling in the applicable zoning district is eligible for greater building height and unit size than is allowed for SB9 residential development that does not comply with the zoning district minimum yard requirement.
3. Notwithstanding Paragraph 1 above, no setback is required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

##### **D. Separation Between Dwelling Units.**

1. No minimum separation is required between dwelling units on a parcel if the structures meet building code safety standards.
2. Dwelling units may be connected if the structures meet building code safety standards and are sufficient to allow a separate conveyance.

3. For purposes of this chapter, “sufficient for separate conveyance” means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.

#### **E. Parking.**

1. **Required Parking.** A minimum of one off-street parking space is required per dwelling unit except as provided in Paragraph 2 below.
2. **Exceptions to Required Parking.** No off-street parking is required in the following cases:
  - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
  - b. There is a car share vehicle located within one block of the parcel. A car share vehicle means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization that meet all the following criteria:
    - (1) Provides hourly or daily service;
    - (2) Vehicle reservations are processed and paid for using an on-line system;
    - (3) Vehicles can be accessed where they are parked without having to go to a different physical location to execute a contract and/or pick up the keys; and
    - (4) Fleet has more than five cars in Scotts Valley and more than 20 cars in Santa Cruz County.
3. **Location on Lot.** As required by Section 17.44.030(J), driveways and parking spaces shall not proportionately occupy more than 300 square feet for each 10 feet of required front yard setback.
4. **Garages.** Required parking spaces may be uncovered for an SB 9 project with two or fewer new units, including accessory dwelling units. Required parking shall be in a garage for the third or fourth unit in an SB 9 project.
5. **Landscape Buffer.**
  - a. Where a parking area with three or more spaces is located across a street or alley from or immediately adjacent to a residential district, a landscape strip not less than 5 feet in depth shall be planted and permanently maintained along the abutting property line of the parking area.

- b. The landscape strip shall contain a row of landscaping with a minimum planting height of 36 inches.
- c. Landscaping shall comply with intersection and driveway vision clearance requirements in Section 17.46.110.E.

**F. Driveways.**

**1. Vacant Lots.**

- a. For an SB 9 development on a vacant lot, no more than one driveway curb cut is allowed with a maximum width of 20 feet. Units on two lots created through an urban lot split must share one driveway with access easements recorded as necessary.
- b. The Community Development Director may grant an exception to this requirement when needed for emergency vehicle access.

**2. Non-Vacant Lots.**

- a. For an SB 9 project on a lot with an existing home, two driveway curb cuts are allowed only if the existing site layout or other physical constraints physically precludes shared use of a single driveway curb cut.
- b. The maximum width of a second curb cut where allowed is 12 feet.

**17.55.060 Objective Design Standards**

**A. Multi-Unit Residential Design Standards.**

- 1. An SB 9 residential development that creates two or more new primary dwelling units shall comply with the Multi-Unit Residential Design Standards, which are adopted by City Council resolution and may be amended from time to time.
- 2. If one or more new primary dwelling units are added to a lot with an existing SB 9 residential development, the new dwelling unit(s) shall comply with the Multi-Unit Residential Design Standards.

**B. “Faces” Defined.** As used in this section, the term “faces” means:

- 1. The building feature is parallel or substantially parallel to the street or property line; and
- 2. There is no other building located between the building feature and the street or property line.

**C. Single Unit Projects.** If an SB 9 residential development creates one new primary dwelling on a lot with an existing dwelling that was not previously established through an SB 9 residential development, the following design standards apply.

- 1. **Garage Frontage.** Where a dwelling with an internal or attached garage is located on the front half of the lot and the garage door faces a street, the garage

frontage including the door width shall not exceed 50 percent of the width of the front facade of the building.

2. **Massing.** A building wall that faces a street or an adjacent residential use shall not run in a continuous plane of more than 25 feet without one or more of the following treatments:
  - a. A change in wall plane with a minimum of 4 feet in depth for the facade.
  - b. A front porch or other covered entry feature with a minimum depth of 3 feet and width of 6 feet providing access to the dwelling's primary entrance.
  - c. An upper story stepback of at least 6 feet in depth for at least 80 percent of the street facing building wall.
  - d. A protruding window (such as a bay window) of at least 2 feet in depth.
3. **Articulation.** A building wall that faces a street or an adjacent residential use shall not run in a continuous plane of more than 15 feet without one of the following treatments included on the facade at every building story:
  - a. Window.
  - b. Entry door.
  - c. Two or more visibly contrasting primary materials and/or colors.
  - d. Wall mounted trellises for climbing plants.
4. **Entries.** Primary dwelling entrances must include one of the following:
  - a. A recess in the building wall with a minimum width of 4 feet and depth of 3 feet.
  - b. A covered porch, providing access to the entry, with a minimum dimension of 5 feet by 5 feet.
5. **Roof Forms.** Rooflines 25 feet or longer that face a street or an adjacent residential use shall be articulated with recessed or projecting gabled roof elements, roof dormers, changes in roof heights, changes in direction or pitch of roof slopes, and other similar methods.
6. **Windows.** Windows that face a street or an adjacent residential use shall comply with one of the following:
  - a. All windows shall feature built up profile trim/framing. Trim/framing must project at least 2 inches from the building wall with material that visually contrasts from the building wall.
  - b. Window glass shall be inset a minimum of 2 inches from the exterior wall or frame surface to add relief to the wall surface.
7. **Exterior Materials.** The primary wall finish material shall be wood, wood shingle, stone, brick, stucco, fiber cement or other cementitious material, or stone. T1-11



siding and all grooved or patterned wood panel or composite wood panel siding are prohibited.

8. **Private Open Space.** Each dwelling unit shall have at least 100 square feet of private open space. Required private open space shall comply with the following standards:

- a. The open space shall be directly accessible from the dwelling unit.
- b. Balconies shall have a minimum dimension of 6 feet in depth and width and a minimum floor area of 50 square feet.
- c. Patios shall have a minimum dimension of 8 feet in depth and width and a minimum floor area of 64 square feet.
- d. Open space may be covered but not fully enclosed. If covered, the minimum floor to ceiling height is 8.5 feet.
- e. Ground level private open space shall be screened or buffered from adjacent private or common open space and dwellings by landscaping, fencing, walls, trellises, or other screening elements.

- B. **Accessory Dwelling Units.** A new accessory dwelling unit (ADU) included in an SB 9 residential development shall comply with the same design requirements as apply to an ADU that is not established as part of an SB 9 project.

C. **Neighbor Privacy.**

1. If a building wall faces an adjacent residential use and does not comply with the minimum interior side or rear yard requirements of the applicable zoning district or combining district, windows on the wall must be:
  - a. 5-foot minimum sill height above the finished floor;
  - b. Clerestory; or
  - c. Opaque/frosted glass.
2. Second-story exterior decks and balconies may not face an interior side or rear yard that abuts an adjacent residential use.
3. No portion of a rooftop deck may be closer than 25 feet from an interior side or rear yard that abuts an adjacent residential use.

**17.55.070 Deed Restrictions**

- A. Before obtaining a building permit for an SB 9 residential development, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:

1. The maximum size of the dwelling unit is limited to:

- a. 1,250 square feet for development that complies with the minimum yard requirements of the applicable zoning district and combining district; and
  - b. 800 square feet for development that does not comply with the minimum yard requirements of the applicable zoning district and combining district.
- 4. The dwelling unit may not be rented for a term of less than 31 days.
- B.** The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement.
- C.** The deed restriction shall lapse upon removal of all dwelling units established under this chapter.”

Section 2. Title 16, Subdivisions, of the Scotts Valley Municipal Code is hereby amended by adding a new Chapter 16.78, Urban Lot Splits to read as follows:

#### **“Chapter 16.78 – Urban Lot Splits**

<b>16.78.010</b>	<b>Purpose and Intent</b>
<b>16.78.020</b>	<b>Definitions</b>
<b>16.78.030</b>	<b>Permitting Process</b>
<b>16.78.040</b>	<b>General Requirements</b>
<b>16.78.050</b>	<b>Development Standards</b>
<b>16.78.060</b>	<b>Objective Design Standards</b>
<b>16.78.070</b>	<b>Deed Restrictions</b>

#### **16.78.010 Purpose and Intent**

This chapter contains requirements for urban lot splits pursuant to Government Code Section 66411.7. These requirements are necessary to preserve public health, safety, and general welfare, and to promote orderly growth and development. In cases where a requirement in this chapter directly conflicts with Government Code Section 66411.7, the Government Code governs.

#### **16.78.020 Definitions**

- A. SB 9 Residential Development.** A residential project on a parcel within a single-family residential zoning district proposed pursuant to Government Code Section 65852.21 and Municipal Code Chapter 17.55 (SB 9 Residential Development).
- B. Urban Lot Split.** The subdivision of an existing parcel into two parcels within a single-family residential zoning district proposed pursuant to Government Code Section 66411.7.

### **16.78.030 Permitting Process**

- A. Parcel Map Required.** A parcel map is required for all urban lot splits pursuant to Government Code Section 66411.7.
- B. Eligibility.** The City shall accept a parcel map application for an urban lot split only if the application complies with all of the following requirements.
1. **Zoning District.** The existing parcel is located in the R-1 Single-Family Residential, R-R Residential-Rural, or R-MT Residential-Mountain zoning district.
  2. **Existing Parcel Size.** The area of the existing parcel is 2,400 square feet or more.
  3. **Environmental Resources and Hazards.** The parcel satisfies the requirements of Government Code subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, which prohibits development on sites subject to specified environmental resources and hazards.
  4. **Affordable and Rental Housing.** The proposed urban lot split would not require demolition or alteration of any of the types of housing identified in Government Code paragraph (3) of subdivision (a) of Section 65852.21.
  5. **Historic Resources.** The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code.
  6. **No Prior Urban Lot Split.**
    - a. The parcel was not established through a prior urban lot split.
    - b. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot.
- C. Application Contents.** A parcel map application for an urban lot split must be filed with the City on an official City application form. Applications shall be filed with all required fees, information, and materials as specified by the City.
- D. Ministerial Approval.** The City shall ministerially approve a parcel map for an urban lot split if the application complies with all requirements of this chapter. No public hearing or discretionary review is required.
- E. Subdivision Map Act Compliance.** The City shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map except as otherwise provided in this chapter.
- F. Basis for Denial.**
1. The City shall deny the urban lot split if either of the following is found:

- a. The urban lot split fails to comply with any requirement in this chapter. Any such requirement that is the basis for denial shall be specified by the City in writing.
  - b. The building official makes a written finding, based upon a preponderance of the evidence, that the proposed subdivision would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
2. The City shall not deny an urban lot split solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
3. For purposes of this chapter, “sufficient for separate conveyance” means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.

**G. Conditions of Approval.**

1. **Easements.** The City shall condition parcel map approval on the dedication of any easements deemed necessary for the provision of public services to the proposed parcels and any easements deemed necessary for access to the public right-of-way.
2. **Dedications and Improvements.** The City shall not require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of parcel map approval.
3. **Nonconforming Zoning Conditions.** The City may not require the correction of nonconforming zoning conditions on the parcel a condition of parcel map approval.

**16.78.040 General Requirements**

- A. Number of New Parcels.** An urban lot split may create no more than two new parcels.
- B. New Parcel Size.** The area of each newly created parcel must be:
  1. At least 1,200 square feet; and
  2. No smaller than 40 percent of the parcel area of the original parcel.
- C. Lot Dimensions and Density.** Minimum lot area, width, depth and density standards in the applicable zoning district do not apply to an urban lot split.

- D. Maximum Number of Dwelling Units.** No more than two dwelling units, including any accessory dwelling units or junior accessory dwelling units, are permitted on a parcel created by an urban lot split.
- E. Access to Public Right-of-way.** The newly created parcels shall provide access to the public right-of-way sufficient to allow development on the parcel to comply with all applicable property access requirements under the California Fire Code section 503 (Fire Apparatus Access Roads) and California Code Regulations Title 14, section 1273.00 et seq. (Intent).
- F. Setbacks.** An SB 9 residential development on a parcel created by an urban lot split shall comply with the following setback requirements:
1. Minimum Yards:
    - a. Front: As required in the applicable zoning district
    - b. Side: 4 feet, except that no yard is required for a new side lot line shared between two parcels created through the urban lot split.
    - c. Rear: 4 feet.
  2. As provided in 17.55.050, an SB 9 residential development that complies with the minimum yard requirement for a single-family dwelling in the applicable zoning district is eligible for greater building height and unit size than is allowed for SB9 residential development that does not comply with the zoning district minimum yard requirement.
  3. Notwithstanding Paragraph 1 above, no setback is required for an existing structure or a structure reconstructed in the same location and to the same dimensions as an existing structure.
- G. Parking.** An SB 9 residential development on a parcel created by an urban lot split shall comply with the following parking requirements:
1. **Required Parking.** A minimum of one off-street parking space shall be provided for each dwelling unit except as provided in Paragraph 2 below.
  2. **Exceptions to Required Parking.** No off-street parking is required in the following cases:
    - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
    - b. There is a car share vehicle located within one block of the parcel. A car share vehicle means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization that meet all the following criteria:
      - (1) Provides hourly or daily service;

- (2) Vehicle reservations are processed and paid for using an on-line system;
  - (3) Vehicles can be accessed where they are parked without having to go to a different physical location to execute a contract and/or pick up the keys; and
  - (4) Fleet has more than five cars in Scotts Valley and more than twenty cars in Santa Cruz County.
- 2. **Location on Lot.** As required by Section 17.44.030(J), driveways and parking spaces shall not proportionately occupy more than 300 square feet for each 10 feet of required front yard setback.
- 3. **Garages.** Required parking spaces may be uncovered for an SB 9 project with two or fewer new units, including accessory dwelling units. Required parking shall be in a garage for the third or fourth unit in an SB 9 project.
- 4. **Landscape Buffer.**
  - a. Where a parking area with three or more spaces is located across a street or alley from or immediately adjacent to a residential district, a landscape strip not less than 5 feet in depth shall be planted and permanently maintained along the abutting property line of the parking area.
  - b. The landscape strip shall contain a row of landscaping with a minimum planting height of 36 inches.
  - c. Landscaping shall comply with intersection and driveway vision clearance requirements in Zoning Code Section 17.46.110.E.

**H. Residential Land Use.** The primary use of an SB 9 development on a parcel created by an urban lot split must be residential.

**I. Owner Occupancy Affidavit.**

- 1. The applicant for an urban lot split must 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 urban lot split.
- 2. Owner-occupancy is not required if the owner is a community land trust or qualified nonprofit corporation under Sections 214.15 or 402.1 of the Revenue and Taxation Code.

**J. Vacation Rentals Prohibited.** An SB 9 residential development on a parcel created by an urban lot split may not be rented for a term of less than 31 days.

**K. Public Health and Safety.** An urban lot split shall comply with the City of Scotts Valley SB 9 Public Health and Safety and Environmental Resource Protection Standards, which are adopted by City Council resolution and may be amended from time to time.

**L. Municipal Code Compliance.**

1. An urban lot split shall comply with all applicable provisions of the Municipal Code unless otherwise specified in this chapter.
2. In case of conflict between this chapter and other provisions in the Municipal Code, this chapter governs.
3. The City shall not impose any objective Municipal Code standard that would physically preclude the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet. The Community Development Director shall grant an exception to the applicable standard to the minimum extent necessary to comply with this section.

**16.78.050 Objective Standards**

**A. Multi-Unit Residential Design Standards.** Parcels created by an urban lot split shall comply with the Multi-Unit Residential Design Standards, which are adopted by City Council resolution and may be amended from time to time.

**B. Parcel Line Angles.** New parcel lines that abut a street shall maintain right angles to streets or radial to the centerline of curved streets, or be parallel to existing parcel lines.

**C. Street Frontage/Flag Lots.**

1. For an urban lot split on a vacant lot that meets the zoning district minimum lot width, each newly created parcel shall have street frontage no less than 40 percent of the street frontage of the original parcel. A flag/access easement area of a flag lot may not be used to satisfy this minimum street frontage requirement.
2. For an urban lot split on a vacant lot that does not meet the zoning district minimum lot width or on a lot with an existing home, the newly created parcels shall comply with one of the following:
  - a. Each newly created parcel has street frontage no less than 40 percent of the street frontage of the original parcel; or
  - b. The urban lot split creates a flag lot consistent with existing objective flag lot standards in SVMC Section 17.46.060.F. City Council approval of the flag lot is not required.

**D. Allowed Exceptions.**

1. The City shall not impose any objective standards pursuant to this section that would physically preclude the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
2. The Community Development Director shall grant an exception to the applicable standard to the minimum extent necessary to comply with this section.

## **16.78.060 Deed Restrictions**

- A.** Before obtaining a building permit for an SB 9 residential development on a parcel created by an urban lot split, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
1. The parcel was created by an urban lot split and no further subdivision of the parcel is permitted.
  2. The dwelling unit(s) on the parcel may not be rented for a term of less than 31 days.
- B.** The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement.
- C.** The deed restriction shall lapse upon removal of all dwelling units established on a parcel created under this chapter.”

Section 3. CEQA COMPLIANCE. Pursuant to Government Code sections 65852.21(j) and 66411.7(n), the City may adopt an ordinance to implement SB 9 (Government Code sections 65852.21 and 66411.7), and such an ordinance shall not be considered a project under the California Environmental Quality Act (“CEQA”)

Section 4. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 5. To the extent the provisions of the Scotts Valley Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 6. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

Section 7. PUBLICATION. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.



This Ordinance was introduced on the 1<sup>st</sup> day of May, 2024, and passed and adopted on the 15<sup>th</sup> day of May, 2024, at a duly held meeting of the City Council of the City of Scotts Valley by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: \_\_\_\_\_  
Randy Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Cathie Simonovich, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kirsten Powell, City Attorney