

Chapter 18.085 URBAN LOT SPLITS

18.085.010 Applicability.

The provisions of this chapter are applicable to all parcels created pursuant to California Government Code Section 66411.7, otherwise known as Senate Bill 9.

18.085.020 Approving authority.

The approving and appeal authority for urban lot splits shall be as defined in Section 18.050.010 Approving and Appeal Authority and as further designated in Section 18.140.040 Approving and Appeal Authority Table.

18.085.030 Requirements.

A parcel map for an urban lot split made pursuant to California Government Code § 66411.7 shall conform with the following:

- A. *Location.* ~~The Pursuant to Government Code Section 65913.4(a)(B-K), the~~ parcel being subdivided shall:
 - 1. Be located within a Single-Family Zone (R-1, RE, RR, RC, DSP-RES, or NSP-MDR);
 - 2. Not be located within a Very High Fire Hazard Severity Zone, with the exception of sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;
 - 3. Not be located within a mapped 100-year floodplain, wetland, recorded Open Space Easement, mapped Arroyo, or identified for habitat conservation, as defined in the Western Riverside Multiple Species Habitat Conservation Plan;
 - 4. Not be located within a designated hazardous waste site;
 - 5. Not be located within a Historic District or Neighborhood Conservation Area designated pursuant to Title 20;
 - 6. Not be located on property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code; and
 - 7. Not be located on a site that is designated or listed as a city or County Landmark or Structure of Merit, or other historic property designated pursuant to Title 20 or another City or County ordinance.
- B. *Prior lot split.* The parcel proposed for an urban lot split shall not have been formed through a previous parcel map for an urban lot split.
- C. *Eligibility.* A parcel 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 shall not be eligible for an urban lot split. Further, a parcel is not eligible for an urban lot split if the subdivision would require demolition or alteration of:
 - 1. Housing that is subject to any form of rent or price control;

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2. A parcel containing a unit that was withdrawn from the rental market through an Ellis Act eviction at any time in the last 15 years; or
 3. Housing that has been occupied by a tenant in the last three years.
- D. *Number of parcels.* No more than two parcels may be established through a parcel map for an urban lot split pursuant to this Chapter.
- E. *Adjacent parcels.* Neither the owner of the parcel being subdivided nor any person acting in concert with the owner may have previously subdivided an adjacent parcel through an urban lot split.

18.085.040 Subdivision standards.

- A. *Lot size.* The new parcels shall be of approximately equal parcel area. In no instance shall a parcel be smaller than 40 percent of the lot area of the original parcel proposed for subdivision, or smaller than 1,200 square feet, whichever is greater.
- B. *Access to streets.* Every parcel shall have access to, provide access to, or adjoin the public right-of-way.
- a. A minimum ten-foot-wide direct access corridor or easement shall be required when parcels do not adjoin the public right-of-way.
 - b. Additional access requirements, including but not limited to a wider access corridor or easement, may be required where necessary to provide adequate access for fire safety equipment pursuant to Chapter 16.32 – Fire Prevention, ~~as determined by the Fire Marshal.~~
- C. *Corridor access lots.* Corridor access lots may be approved ministerially. The corridor width shall be a minimum of ten feet.
- D. *Dedications and easements.* Easements may be required to convey public utilities, access, and other services. Right-of-way dedication and offsite improvements shall not be required, except in connection with a building permit.
- E. *Utilities.* Parcels created through an urban lot split shall have separate sewer, water and electrical utility services.
- F. The application of any subdivision standard that would physically prevent the development of two units of at least 800 square feet on either of the resulting parcels shall be waived. No Modification or other discretionary action shall be required.
- G. All other development standards contained within Titles 17, 18, and 19 shall apply.

18.085.050 Procedure.

- A. *Pre-clearance.* The applicant for an urban lot split shall first submit for pre-clearance approval from the Planning Division. The Planning Division shall determine whether the request meets the eligibility requirements for an urban lot split.
- B. *Final parcel map.* Upon pre-clearance of an urban lot split application, the applicant shall file a final parcel map pursuant to Chapter 18.090.
- C. An urban lot split application shall follow the processing procedures for a final parcel map as set forth in Chapter 18.150 (General Application Processing Procedures).
- D. *Effective date and time limits.*
1. *Expiration of pre-clearance.* Pre-clearance approval of an urban lot split for which a final parcel map has not been recorded as a final map shall expire within 36 months of the date of approval.

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2. Applicants shall be required to re-submit for pre-clearance approval from the Planning Division if a final map has not been recorded within 36 months of the initial pre-clearance approval.

18.085.060 Noticing.

- A. ~~The applicant of a proposed urban lot split shall provide written notice to the record owners of all property adjacent to/within 300 feet of the exterior boundaries of the property on which the subdivision is proposed.~~
- B. ~~The notice shall be mailed via Certified United States Mail to the last known name and address of such owners as shown on the latest available equalized assessment roll of the County Assessor.~~
- C. ~~The notice shall identify:~~
- ~~1. The location of the property;~~
 - ~~2. The nature of the proposed subdivision;~~
 - ~~3. Contact information for the project manager;~~
 - ~~4. Contact information for the Public Works Department; and~~
 - ~~5. The following statement: "This Notice is sent for informational purposes only and does not confer a right on the noticed party or any other person to comment on the proposed project. Approval of this project is ministerial, meaning the City of Riverside has no discretion in approving or denying the project if it complies with all legal requirements. Approval of this project is final and not subject to appeal."~~
- D. ~~The notice shall be sent no fewer than 30 days after pre-clearance approval of the urban lot split. Urban lot split applications that include a two-unit development shall follow the noticing requirements for the two-unit development (19.443.080 Noticing).~~
- E. ~~A final parcel map for an urban lot split shall not be recorded until such time as evidence of the completed certified mailing has been furnished to the Public Works Department.~~

~~(Ord. 7591 § 4(Exh. A), 2022)~~

18.085.0670 Additional requirements.

- A. *Two units.* A maximum of two units may be permitted on a parcel created through an urban lot split. "Unit" means any dwelling unit, inclusive of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) pursuant to the requirements of Chapter 19.442 and Two-Unit Developments pursuant to the requirements of Chapter 19.443 of the Zoning Code.
- B. *Further subdivision.* Further subdivision of a parcel established through an urban lot split shall be prohibited. A restrictive covenant shall be recorded on each lot created through an urban lot split prohibiting further subdivision in perpetuity.
- C. *Owner occupancy.* The applicant for an urban lot split shall sign an affidavit stating that they intend to occupy one of the dwelling units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
1. This requirement shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

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- D. *Short-term rentals prohibited.* Units created pursuant to this chapter shall be rented or leased for a term longer than 30 days. A covenant shall be recorded against title to any property developed pursuant to this chapter restricting rental or lease of any unit on the property for a term longer than 30 days.
 - E. The correction of nonconforming zoning conditions shall not be required as a condition for ministerial approval of an urban lot split.
 - F. *Setbacks.* Setbacks for a unit or units on a parcel created through an urban lot split shall be as set forth in Chapter 19.443 of the Zoning Code.

18.085.0780 Severability.

If any provision of this ordinance or chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance or chapter which can be implemented without the invalid provision or application and to this end the provisions of this ordinance and chapter are declared to be severable.