

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING NUMEROUS SECTIONS IN TITLE 18 OF THE RIVERSIDE
MUNICIPAL CODE REGARDING SUBDIVISION.

The City Council of the City of Riverside does ordain as follows:

Section 1: Section 18.050.010 of the Riverside Municipal Code is hereby amended as follows:

“Section 18.050.010 Approving authority.

A. The Planning Commission of the City, as defined in [Section 806](#) of the City's Charter and further defined in [Title 2](#) of this Municipal Code, is designated as the advisory and/or approving agency with respect to subdivisions as set forth in the Subdivision Map Act except as otherwise specifically delegated in this title; and shall have all such powers and duties with respect to subdivision maps and all other related proceedings as are provided by law and this title.

B. The City Surveyor is hereby designated as the advisory and/or approving agency for those proceeding authorized pursuant to 18.085 Urban Lot Splits, [18.100](#) Lot Line Adjustments, Consolidations and Mergers, [18.110](#) Parcel Map Waivers and [18.120](#) Certificates of Compliance of this title.

...”

Section 2: Section 18.080.040 of the Riverside Municipal Code is hereby amended as follows:

“Section 18.080.040 Tentative parcel maps required.

A. A tentative parcel map, as defined under [Article 6](#) Definitions, shall be required for all subdivisions creating four or fewer parcels or where:

...

B. A tentative parcel map shall not be required as set forth in Section 18.080.090.

//

//

1 “Section 3: Section 18.080.090 of the Riverside Municipal Code is hereby amended as
2 follows:

3 **“Section 18.080.090 Tentative maps not required.**

4 This article shall not be applicable to:

5 ...

6 I. Subdivisions of four parcels or less for construction of removable commercial buildings
7 having a floor area of less than 100 square feet. (California Government Code §§ 66412, 66412.1,
8 66412.2 and 66412.5.)

9 J. Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined
10 by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by
11 either party on not more than 30 days' notice in writing); or

12 K. Land conveyed to or from a governmental agency, public entity, public utility, or for land
13 conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way,
14 unless a showing is made in individual cases, upon substantial evidence, that public policy
15 necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental
16 agency shall include a fee interest, a leasehold interest, an easement or a license. (California
17 Government Code §§ 66428 (a)(2)).

18 L. Subdivisions for urban lot splits made pursuant to California Government Code § 66411.7.”

19 Section 4: Section 18.085 of the Riverside Municipal Code entitled “Urban Lot Splits” is
20 hereby added as shown in Exhibit “A” attached hereto and incorporated herein.

21 Section 5: Section 18.130.020 of the Riverside Municipal Code is hereby amended as
22 follows:
23

24 **“Section 18.130.020 Maps, permits and actions covered by this title.**

25 A. *Definition.* Discretionary permits or actions apply to projects which require the exercise of
26 judgment or deliberation when the approving or appeal authority decides to approve or disapprove
27 a particular map, permit or action, as distinguished from situations where a City Department,
28 Planning Commission or City Council merely has to determine whether there has been conformity
with applicable statutes, Codes or regulations.

B. *Ministerial parcel map for urban lot split.* A parcel map for an urban lot split, as defined in Section 18.260.220 of this Title and pursuant to §64411.7 of the California Government Code, shall be reviewed and ministerially approved by the City Surveyor or his or her designee according to the procedures set forth in Chapter 18.150 (General Application Processing Procedures). The approval of a parcel map for an urban lot split shall not be considered a discretionary action and shall not be appealable.

C. *Discretionary administrative maps, permits and actions not requiring a public hearing.* The Community & Economic Development Director, acting as the advisory agency, has primary administrative approving authority over maps, permits and actions which require the determination of compliance with applicable subdivision provisions and the application of judgment to a given set of facts. No public hearing is required for administrative maps, permits and actions unless the decision is appealed in accordance with provisions of [Chapter 18.170](#) Appeals.

Table [18.140.040](#) Approving and Appeal Authority describes the various administrative permits which can be approved by the Community & Economic Development Director.

D. *Discretionary maps, permits and actions requiring a public hearing.* Except when combined with legislative actions (see [Section 18.140.030](#) Concurrent Processing of Permits), the Planning Commission is the designated approving authority for discretionary maps, permits and actions. The table in [Section 18.140.040](#) describes the various discretionary maps, permits and actions which can be approved by the Planning Commission.”

Section 6: Section 18.140.040 of the Riverside Municipal Code is hereby amended as follows:

“Section 18.140.040 Approving and appeal authority table.

Type of Map, Permit or Action	City Surveyor	Community & Economic Development Director ⁽⁶⁾	City Planning Commission (CPC)	City Council (CC) ^{1, 2}
Administrative				
Certificate of Compliance	F		AR	A/F
Final Condominium Map				F ⁽³⁾

Final Environmental Subdivision Map				F ⁽³⁾
Final Parcel Map				F ⁽³⁾
Final Reversion to Acreage Map				F ⁽³⁾
Final Tract Map				F ⁽³⁾
Final Vesting Map				F ⁽³⁾
Lot Line Adjustments	F		AR	A/F
Lot Consolidations	F		AR	A/F
Lot Mergers/Unmergers	F		AR	A/F
Modifications		F	AR	A/F ⁽⁴⁾
Notice of Violation		F	AR	A/F
Parcel Map Waivers		F	AR	A/F
Tentative Parcel Map		F	AR	A/F ⁽⁵⁾
Time Extensions		F	AR	A/F
Urban Lot Split	F ⁽⁷⁾	R		
Public Hearing				
Tentative Condominium Map			F	A/F
Tentative Environmental Subdivision			F	A/F
Tentative Reversion to Acreage Map			F	A/F
Tentative Tract Map			F	A/F ⁽⁵⁾
Tentative Vesting Map			R	A/F

R = Recommending Authority; F = Final Action Authority (unless appealable or referred); A = Appeal Authority; AR = Approving Authority as Community & Economic Development Director on Referral

- (1) Decisions of the City Council are final and cannot be appealed.
- (2) An item pulled from the City Council Consent Calendar which was originally heard at a public hearing, will need to be re-advertised for such hearing prior to being heard.
- (3) The Public Works Department submits all Tract Maps and those Parcel Maps that require offers of dedications to the City Council for adoption. After adoption they are transmitted to the County Recorder for recordation. Parcel Maps not requiring offers of dedication are approved by the Public Works Department and submitted to the County Recorder for recordation.
- (4) See Title 19 (Zoning Code) of the Riverside Municipal Code, Section 19.650.020.C.2 - Designated Approving Authority
- (5) Tentative RC Zone Maps require City Council approval on its consent calendar.

1 (6) As set forth in this title, either the Community & Economic Development Director or the City Surveyor shall be the approving authority for
the action listed.

2 (7) Urban Lot Splits are subject only to ministerial approval and cannot be appealed.

3 Note: The Community & Economic Development Director or City Surveyor may refer the action to the next higher Approving Authority in the
hierarchy of decision-making.

4 Section 7: Section 18.210.030 of the Riverside Municipal Code is hereby amended as
5 follows:

6 **“Section 18.210.030 Streets.**

7 3. *Private driveway standards.*

8 a. For private driveways, the minimum widths shall be prescribed in Chapter 19.580 of Title
9 19 (Zoning)

10 b. The connection between the private driveways and any street shall be by an approved
11 connection.

12 ...”

13
14 Section 8: Section 18.210.080 of the Riverside Municipal Code amended as shown in
15 Exhibit “B” attached hereto and incorporated herein.

16 Section 9: Section 18.260.220 of the Riverside Municipal Code is hereby amended as
17 follows:

18 **“Section 18.260.220 “U” Definitions.**

19 *Urban lot split* means a subdivision pursuant to Section 66411.7 of the California
20 Government Code.”

21 Section 10: The City Council has reviewed the matter and, based upon the facts and
22 information contained in the staff reports, administrative record, and written and oral testimony,
23 hereby finds that this ordinance is not subject to CEQA pursuant to Section 15061(b)(3) (General
24 Rule), as it can be seen with certainty that approval of the project will not have an effect on the
25 environment; and further that the adoption of an ordinance to implement Sections 65852.21 and
26 64411.7 of the California Government Code (SB 9) is not a Project and therefore not subject to
27 CEQA.
28

Section 11: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 2022.

PATRICIA LOCK DAWSON
Mayor of the City of Riverside

Attest:

DONESIA GAUSE
City Clerk of the City of Riverside

I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the _____ day of _____, 2022, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the _____ day of _____, 2022, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
City of Riverside, California, this _____ day of _____, 2022.

City Clerk of the City of Riverside

EXHIBIT “A”

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 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;
 - 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;
 - 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 10-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 as determined by the Approving Authority.
- C. *Corridor access lots.* Corridor access lots may be approved ministerially.
- 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.
 - 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.

18.085.070 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.
- 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.

18.085.080 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.