

ORIGINAL

CITY COUNCIL OF THE CITY OF NOVATO
ORDINANCE NO. 1678

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 36937(b), ESTABLISHING REGULATIONS FOR TWO DWELLING UNIT PROJECTS AND URBAN LAND DIVISIONS IN SINGLE-FAMILY ZONING DISTRICTS AS MANDATED BY THE PROVISIONS OF CALIFORNIA SENATE BILL 9 (2021) AND FINDING THIS ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GOVERNMENT CODE SECTIONS 65585.21(j) AND 66411.7(n)

WHEREAS, this Ordinance is adopted as an urgency ordinance pursuant to Government Code Section 36937(b); and

WHEREAS, Government Code Section 36937(b) authorizes the adoption of an urgency ordinance for the immediate preservation of the public peace, health, and safety; and

WHEREAS, the City Council deems it necessary to adopt an urgency ordinance pursuant to Government Code Section 36937(b) to add regulations regarding the permitting requirements, review procedures, and regulations for the creation of two-dwelling units on parcels located in a single-family residential zone and the subdivision of parcels so situated as mandated by Senate Bill 9 (2021), finding the urgency to do so based upon the following facts:

1. The State of California, by the signing of Senate Bill 9, mandates cities and counties allow, by ministerial action, the construction of up to two-dwelling units on a parcel and/or the division of an existing parcel into two-parcels when proposed within a single-family residential zone. Upon passage of Senate Bill 9 the Novato Community Development Department has received numerous inquiries from members of the public seeking guidance on Novato's permitting requirements, review procedures, and regulations to implement the Bill. Senate Bill 9 became effective on January 1, 2022;
2. The Novato Municipal Code (NMC) regulates the development and subdivision of properties located in single-family residential zones. The permit requirements, review procedures, development standards, and subdivision regulations currently applicable to properties in single-family residential zones are focused primarily on the development of one single-family dwelling per parcel based on a defined minimum lot size and subject to specific height, building coverage, floor area ratio, and setback areas among other

requirements. These permit requirements, review procedures, development standards, and subdivision regulations were not specifically designed to address the unique legal and practical issues that arise in connection with allowing two dwelling units to be constructed on a parcel intended for development with one single-family dwelling or the subdivision of an affected property into two smaller parcels under the otherwise adopted minimum lot size;

3. Senate Bill 9 offers cities and counties the option of adopting local ordinances to implement the provisions of the Bill, including the application of objective standards;
4. Senate Bill 9 stipulates that agencies must ministerially review proposals thereunder and specifies the minimum dwelling size, side and rear yard setbacks, and lot area an agency must accept, but otherwise does not specify any particular permit process or provide the customary development standards used to regulate the location and design of new residential dwellings, including maximum building height, floor area ratio, and building coverage to the benefit of public peace, health, and safety; and
5. Without the immediate implementation of regulations specific to the type of development and subdivisions mandated by Senate Bill 9, the City will be compelled to accept and approve requests to allow two-single family dwellings and/or allow subdivision of an existing property in a single-family residential zone under current regulations that are not adequate to address such proposals, thereby threatening the public peace, health, and safety.

WHEREAS, adoption of this Ordinance is consistent with Novato General Plan 2035; and

WHEREAS, adoption of this Ordinance is statutorily exempt from the requirements of the CEQA pursuant to Government Code 65585.21 (j) and 66411.7(n); and

WHEREAS, for all of the foregoing reasons, the City Council finds and declares that adoption of this Ordinance is necessary for the immediate preservation of the public peace, health, and safety and its urgency is hereby declared.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NOVATO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: RECITALS

The above recitals are hereby declared to be true and correct and represent the findings of the City Council made in exercise of its independent judgement.

SECTION 2: SENATE BILL 9 DWELLING UNITS

The following shall apply to two dwelling residential developments proposed pursuant to the requirements of California Government Code Section 65852.21.

A. Purpose & Applicability

It is the intent of these regulations to provide opportunities to construct two dwelling residential developments on parcels zoned Rural Residential (RR), Very Low Density Residential (RVL), and Low Density Residential (R1), as well as those properties zoned Planned District (PD) and assigned the Rural Residential (RR), Very Low Density Residential (RVL), and Low Density Residential (R1) land use designations of the Novato General Plan, consistent with Government Code Section 65852.21 and local regulations.

B. Land Use, Zoning, & Density

1. Subject to the requirements contained in this Ordinance, two dwelling residential developments are a permitted use on parcels zoned Rural Residential (RR), Very Low Density Residential (RVL), and Low Density Residential (R1), as well as those properties zoned Planned District (PD) and assigned the Rural Residential (RR), Very Low Density Residential (RVL), and Low Density Residential (R1) land use designations of the Novato General Plan.
2. Two dwelling residential developments are not subject to the density requirements of the Novato General Plan or Novato Municipal Code or to the maximum density or unit count stipulated in any master plan and/or precise development plan applicable to properties zoned Planned District (PD) and assigned the Rural Residential (RR), Very Low Density Residential (RVL), and Low Density Residential (R1) land use designations of the Novato General Plan.

C. Definitions

The definitions below shall apply to the following terms used herein:

1. Car Share Vehicle shall mean a vehicle available for sharing located in a car share vehicle facility approved by the City.
2. Car Share Vehicle Facility shall mean a facility of fixed location approved by the City to permit the storage, pick-up, and drop-off of a car share vehicle.
3. Existing Structure shall mean an existing permitted or otherwise legal single-family dwelling.

4. Floor Area, Gross shall mean as defined in Novato Municipal Code Division 19.60 (Definitions/Glossary).
5. Garage shall mean as defined in Novato Municipal Code Division 19.60 (Definitions/Glossary).
6. Living Area shall mean the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
7. Nonconforming Zoning Condition shall mean a physical improvement on a property that does not conform with current zoning standards.
8. Single-Family Dwelling shall mean as defined in Novato Municipal Code Division 19.60 (Definitions/Glossary).
9. SB 9 Dwelling Unit shall mean a dwelling unit that is developed using the provisions in this article and the provisions identified in California Government Code Sections 65852.21.

D. Planning Permit & Application Requirements

1. SB 9 Dwelling Unit Permit Required. A proposal to construct an SB 9 Dwelling Unit shall be required to first obtain a SB 9 Dwelling Unit Permit.
2. Application Submittal Requirements. Submittal requirements for an SB 9 Dwelling Unit Permit application shall be established by separate policy published by the Community Development Director.

E. Review Procedure & Courtesy Notice

1. Ministerial Action. The Community Development Director or designee shall render a ministerial decision without a public hearing on an SB 9 Dwelling Unit Permit application. The Director's action to approve or deny an SB 9 Dwelling Unit is final and not subject to appeal.
2. Courtesy Notice. A courtesy notice shall be issued by the Community Development Department a minimum of ten (10) days prior to the published date of action on an SB 9 Dwelling Unit application. Courtesy noticing shall follow the requirements of Novato Municipal Code Section 19.58.020.A.1. and A.2., B.2.a., B.2.b., B.2.c.iii.

- F. Parcel Eligibility. Subject to the requirements contained in this Ordinance, an SB 9 Dwelling Unit shall be allowed on parcels located in the single-family residential zones listed under subsection B.1. above, unless the parcel or SB 9 Dwelling Unit does

not meet any of the requirements set forth in Government Code section 65852.21(a)(1)-(6).

- G. Maximum Number of Units. An SB 9 Dwelling Unit proposal shall include no more than two dwelling units.
- H. Nonconforming Zoning Conditions. Notwithstanding the provisions of Division 19.52 (Nonconforming Uses, Structures, and Parcels), the construction of an SB 9 Dwelling Unit shall not be contingent on the correction of any existing nonconforming zoning condition.
- I. Separate Sale or Conveyance. SB 9 Dwelling Units shall not be separately sold or conveyed from each other unless the dwelling units are subsequently located on separate parcels created under the provisions of Section 3 of this Ordinance and Government Code Section 66411.7. However, the dwelling units shall be designed consistent with the Novato Municipal Code and State law to allow the possibility for separate conveyance.
- J. Building Code. All local and state building code provisions applicable to dwelling units shall apply to an SB 9 Dwelling Unit. An SB 9 Dwelling Unit shall meet all building code provisions necessary to accommodate separate conveyance of the subject dwelling units. Compliance with such provisions will be determined at the time construction detail plans are submitted for a building permit, subject to review and approval by the Chief Building Official or their designee.
- K. Easements. An SB 9 Dwelling Unit shall not encroach on any easement.
- L. Effect of Other Ordinances, Policies, & Regulations. An SB 9 Dwelling Unit shall comply with all applicable ordinances, policies, and regulations of the Novato Municipal Code. Accordingly, an applicant for an SB 9 Dwelling Unit is not entitled to construct such a development in any form of their choosing, but rather must accept the development configuration meeting all applicable standards. If no form of an SB 9 Dwelling Unit can conform to all applicable ordinances, policies, and regulations of Novato Municipal Code then a property owner shall be entitled to construct an SB 9 Dwelling Unit in the form that most substantially complies with applicable ordinances, policies, and regulations and allows two dwelling units of no less than 800 square feet in gross floor area each.
- M. Modification of Provisions. When the City is required to modify objective standards set forth in this Ordinance and/or the Novato Municipal Code under Government Code section 65852.21(b)(2)(A) such objective standards shall be modified only as minimally necessary to create a habitable dwelling unit(s) consistent with the California Building Code.

N. Minimum Rental Period. An SB 9 Dwelling Unit shall not be rented for a period of less than 30-days.

O. Deed Restriction. A deed restriction, signed by the property owner(s) of record and the Community Development Director or designee, shall be recorded with the Marin County Recorder's office, listing the restrictions and limitations applicable to an SB 9 Dwelling Unit as identified below. Said deed restriction shall be recorded prior to the final occupancy of the SB 9 Dwelling Unit and run with the land, and shall be binding upon any future owners, heirs, or assigns. The deed restriction shall state:

1. The SB 9 Dwelling Unit shall not be individually sold separately from each other unless an urban lot split is approved pursuant to Government Code Section 66411.7 and local regulations addressed thereto;
2. The dwelling units shall not be rented for a period of less than 30 consecutive calendar days; and
3. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of this ordinance can result in legal action against the property owner, including revocation of any right to maintain an SB 9 Dwelling Unit on the property.

P. Development Impact Fees. An SB 9 Dwelling Unit shall be subject to development impact fees applicable to single family residential development as defined in Novato City Council Resolutions Nos. 67-02 and 69-02.

Q. Street Address Required. Street addresses shall be assigned to each dwelling in an SB 9 Dwelling Unit proposal to assist in emergency response.

R. Time Limits & Extensions. An SB 9 Dwelling Unit Permit granted pursuant to this Ordinance shall be subject to the time limits and extensions of time specified in Novato Municipal Code Section 19.44.040.

S. Preemption. In the event of an inconsistency between the provisions of this Ordinance and Government Code Section 65852.21, Government Code Section 65852.21 shall prevail.

T. Development Standards

1. Conversion of an Existing Single Family Dwelling to an SB 9 Dwelling Unit

The following standards apply to an SB 9 Dwelling Unit being created through the conversion of an existing, permitted single-family dwelling into two dwelling units:

- a. Minimum Unit Size. The minimum gross floor area shall be 150 square feet.
- b. Maximum Unit Size. The existing living area of a single-family dwelling can be divided into two separate dwelling units of any gross floor area.
- c. Maximum Floor Area Ratio. The maximum floor area ratio shall be no greater than the gross area of the existing single-family dwelling being converted.
- d. Maximum Lot Coverage. Maximum lot coverage shall be no greater than the coverage of the existing single-family dwelling being converted.
- e. Maximum Height. The maximum height shall be no greater than the height of the existing single-family dwelling being converted.
- f. Setbacks. No setbacks are required for an SB 9 Dwelling Unit created within the walls of an existing single-family dwelling or within a replacement building constructed in the same location and to the same dimensions.
- g. Replacement Building. A replacement building shall match the following architectural elements of the existing single-family dwelling being replaced:
 - i. Siding material and style;
 - ii. Roof pitch and roofing material; and
 - iii. Doors, windows, and trim material and style.

2. Addition to Existing Single Family Dwelling to Create SB 9 Dwelling Unit

An addition to an existing, permitted single family dwelling to create an SB 9 Dwelling Unit shall only be allowed when the existing residence does not have sufficient existing living area to accommodate two dwelling units of 800 sq. ft. in area. In such an instance, the following standards apply to new additions to create an SB 9 Dwelling Unit:

- a. Minimum Unit Size. The minimum gross floor area of each dwelling unit in the development shall be 150 square feet.
- b. Maximum Unit Size. The maximum gross floor area of each dwelling unit in the development shall be 800 square feet.

- c. Maximum Floor Area Ratio. The maximum floor area ratio shall be that assigned to the zoning district in which the SB 9 Dwelling Unit will be located.
- d. Maximum Lot Coverage. The maximum lot coverage shall be that assigned to the zoning district in which the SB 9 Dwelling Unit will be located.
- e. Maximum Height. The maximum height of a new addition to accommodate an SB 9 Dwelling Unit shall be 16-feet. The height of a dwelling unit shall be measured in accordance with NMC Section 19.20.070.B. (Height Measurement). Notwithstanding the provisions of NMC Section 19.20.070.C. (Exceptions to Height Limits), architectural, decorative, and other roof elements (i.e., mechanical equipment, roof vents, chimney etc.) attached to a dwelling unit shall not exceed this height limit.
- f. Setbacks. The setbacks applicable to an addition to an existing single-family residence to accommodate an SB 9 Dwelling Unit shall be as follows:
 - i. Front: As assigned to the zoning district in which the development will be located.
 - ii. Side: 4-feet.
 - iii. Rear: 4-feet.
- g. Fire Protection Building Separation Requirement. An addition to create an SB 9 Dwelling Unit shall maintain a minimum building separation distance of three (3) feet from any other building(s).
- h. Architecture. A new addition to create an SB 9 Dwelling Unit shall match the following architectural elements of the existing single-family dwelling to which the addition will be attached:
 - iv. Paint colors;
 - v. Siding material and style;
 - vi. Roof pitch, material, and color; and
 - vii. Doors, windows, and trim material and style.

3. New Detached SB 9 Dwelling Unit – Developed Single-Family Zoned Parcels

A new detached SB 9 Dwelling Unit can only be created on a parcel developed with an existing, permitted single family dwelling when the existing residence cannot be

physically converted or expanded to accommodate two dwelling units of 800 sq. ft. in area. In such an instance, the following standards apply to an SB 9 Dwelling Unit being created through the construction of a new detached dwelling:

- a. Minimum Unit Size. The minimum gross floor area of each dwelling unit shall be 150 square feet.
- b. Maximum Unit Size. The maximum gross floor area of a new detached SB 9 Dwelling Unit shall be 800 square feet. However, the combination of an existing single-family dwelling and new detached dwelling unit shall not exceed a maximum of 1,600 square feet.
- c. Maximum Floor Area Ratio. The maximum floor area ratio shall be that assigned to the zoning district in which the SB 9 Dwelling Unit will be located.
- d. Maximum Lot Coverage. The maximum lot coverage shall be that assigned to the zoning district in which the SB 9 Dwelling Unit t will be located.
- e. Maximum Height. The maximum height of a new detached SB 9 Dwelling Unit shall be 16-feet. The height of a dwelling unit shall be measured in accordance with NMC Section 19.20.070.B. (Height Measurement). Notwithstanding the provisions of NMC Section 19.20.070.C. (Exceptions to Height Limits), architectural, decorative, and other roof elements (i.e., mechanical equipment, roof vents, chimney etc.) attached to a dwelling unit shall not exceed this height limit.
- i. Minimum Setbacks: The minimum setbacks for a new detached SB 9 Dwelling Unit are:
 - i. Front: As assigned to the zoning district in which the SB 9 Dwelling Unit will be located.
 - ii. Side: 4-feet.
 - iii. Rear: 4-feet.
- j. Fire Protection Building Separation. A new detached SB 9 Dwelling Unit shall maintain a minimum building separation distance of three (3) feet from any other building(s) on the subject parcel.
- k. Architecture. A new detached SB 9 Dwelling Unit added to a developed single-family residential zoned parcel shall match the following

architectural elements of the existing single-family dwelling located thereon:

- i. Paint colors;
- ii. Siding material and style;
- iii. Roof pitch, material, and color; and
- iv. Doors, windows, and trim material and style.

4. New SB 9 Dwelling Unit - Undeveloped Parcels

The following standards apply to the creation of an SB 9 Dwelling Unit through the construction of a new structure containing two dwellings or two detached dwellings on an undeveloped parcel:

- a. Minimum Unit Size. The minimum gross floor area of each dwelling unit shall be 150 square feet.
- b. Maximum Unit Size. The maximum gross floor area of each dwelling unit shall be 800 square feet.
- c. Maximum Floor Area Ratio. The maximum floor area ratio shall be that assigned to the zoning district in which the SB 9 Dwelling Unit will be located.
- d. Maximum Lot Coverage. The maximum lot coverage shall be that assigned to the zoning district in which the SB 9 Dwelling Unit will be located.
- e. Maximum Height. The maximum height of a SB 9 Dwelling Unit shall be 16-feet. The height of a dwelling unit shall be measured in accordance with NMC Section 19.20.070.B. (Height Measurement). Notwithstanding the provisions of NMC Section 19.20.070.C. (Exceptions to Height Limits), architectural, decorative, and other roof elements (i.e., mechanical equipment, roof vents, chimney etc.) attached to a dwelling unit shall not exceed this height limit.
- f. Minimum Setbacks:
 - i. Front: As assigned to the zoning district in which the SB 9 Dwelling Unit will be located.

ii. Side: 4-feet.

iii. Rear: 4-feet.

- g. Fire Protection Building Separation. A new detached SB 9 Dwelling Unit shall maintain a minimum building separation distance of three (3) feet from any other building(s) on the subject parcel.

U. Required Parking. The following parking requirements shall apply to SB 9 Dwelling Units:

1. One (1) off-street parking space shall be required for each dwelling unit, except where:
 - 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. When there is a car share vehicle facility, as defined herein, located within one block of the subject property.
2. On-site parking, when required, shall be:
 - a. provided in a garage or surface parking stall;
 - b. independently accessible; and
 - c. located on the parcel on which the SB 9 Unit is located.
3. A new garage proposed to serve an SB 9 unit shall be limited to the minimum dimensions required for residential garage parking as stipulated in Subsection 19.30.070 (Parking Design Standards) of the Novato Municipal Code.
4. On-site parking shall comply with applicable standards in Subsection 5-17.008.e of Chapter V (Development Standards), Subsection 19.20.070.D. (Sight Visibility Area Required), Subsection 19.20.100.E.4. (Pavement), and Subsection 19.30.070 (Parking Design Standards) of the Novato Municipal Code.

SECTION 3: URBAN LOT SPLITS

The following shall apply to Urban Lot Splits proposed pursuant to the requirements of California Government Code Section 66411.7.

A. Purpose & Applicability. It is the intent of these regulations to support Urban Lot Splits to accommodate the construction of SB 9 Dwelling Units on parcels zoned Rural Residential (RR), Very Low Density Residential (RVL), and Low Density Residential (R1), as well as those properties zoned Planned District (PD) and assigned the Rural Residential (RR), Very Low Density Residential (RVL), and Low Density Residential (R1) land use designation of the Novato General Plan, consistent with Government Code Section 66411.7 and local regulations.

B. Definitions

1. Nonconforming Zoning Condition means a physical improvement on a property that does not conform with current zoning standards.
2. Parcel Map means as defined in Novato Municipal Code Section 9-5.018.
3. SB 9 Dwelling Unit shall mean a dwelling unit that is developed using the provisions in Section 2 of this Ordinance and the provisions identified in California Government Code Sections 65852.21.
4. Urban Lot Split means a subdivision involving the division of an existing legal parcel in a single-family residential zone into no more than two parcels, as provided for by Government Code section 66411.7.

C. Land Use, Zoning, & Density

1. Land Use. Parcels created by an Urban Lot Split shall only be developed with and used for SB 9 Dwelling Units and accessory residential purposes pursuant to the standards and requirements of Section 2 of this Ordinance and all applicable provisions of the Novato Municipal Code.
2. Zoning. An Urban Lot Split shall only be permitted for parcels zoned Rural Residential (RR), Very Low Density Residential (RVL), and Low Density Residential (R1), as well as those properties zoned Planned District (PD) and assigned the Rural Residential (RR), Very Low Density Residential (RVL), and Low Density Residential (R1) land use designations of the Novato General Plan.
3. Density. An Urban Lot Split is not subject to the density requirements of the Novato General Plan or Novato Municipal Code or to the maximum density or unit count stipulated in any master plan and/or precise development plan applicable to properties zoned Planned District (PD) and assigned the Rural Residential (RR), Very Low Density Residential (RVL), and Low Density Residential (R1) land use designations of the Novato General Plan.

D. Parcel Map & Application Requirements

1. **Parcel Map Required.** An Urban Lot Split shall require the submittal of an application for a parcel map prepared in accordance with the provisions of the Subdivision Map Act (Government Code Section 66410 et. seq.) and Novato Municipal Code Chapter IX – Land Subdivision.
2. **Application Submittal Requirements.** The submittal requirements for a parcel map to permit an Urban Lot Split shall be established by separate policy published by the Director of Public Works.

E. Action, Notice, and Time Limit & Extension

1. **Ministerial Action.** The Community Development Director or designee shall render a ministerial decision without a public hearing on a parcel map application for an Urban Lot Split. The Director's action to approve or deny a parcel map for an Urban Lot Split is final and not subject to appeal.
2. **Courtesy Notice.** A courtesy notice shall be issued by the Community Development Department a minimum of ten (10) days prior to the date of action on a parcel map for an Urban Lot Split. Courtesy noticing shall follow the requirements of Novato Municipal Code Section 19.58.020.A.1. and A.2., B.2.a., B.2.b., B.2.c.ii.
3. **Time Limit & Extension.** A parcel map approved pursuant to this Ordinance that is not recorded within 24-months of the date of approval shall expire and become void, except where an extension of time is requested by the subdivider. A maximum extension of 12 months may be approved by the Community Development Director or designee.

F. **Parcel Eligibility.** An Urban Lot Split shall be allowed on parcels located in the single-family residential zones listed under subsection A. above, unless the Urban Lot Split does not meet any of the requirements set forth in Government Code section 66411.7(a)(1)-(3).

G. **Subdivision Regulations.** A parcel map for an Urban Lot Split shall be subject to all objective subdivision standards stipulated in Novato Municipal Code Chapters V and IX, except any such standards that require right-of-way dedications or off-site subdivision improvements.

H. **Development Standards.** A parcel map for an Urban Lot Split shall be subject to all objective development standards stipulated in Novato Municipal Code Chapter V, except any such standards that require right-of-way dedications or off-site subdivision improvements.

- I. Minimum Parcel Size. An Urban Lot Split shall result in two parcels of a minimum gross area of 60% and 40% of the area of the original parcel being subdivided. However, in no instance shall a resulting parcel being less than 1,200 square feet in gross area.
- J. Maximum Number of Dwelling Units Permitted. A maximum of two dwelling units shall be permitted on each parcel created by an Urban Lot Split. An existing parcel is not eligible to be subdivided under an Urban Lot Split if any resulting lot would contain more than two dwelling units.
 - A. Owner Occupancy Required.
 - 1. The owner of a parcel being subdivided pursuant to Government Code 66411.7 shall occupy one of the housing units existing or constructed on one of the parcels created by the Urban Lot Split as their principal residence for a minimum of three years from the date of approval of the parcel map for an Urban Lot Split.
 - 2. The owner shall sign an affidavit stating their intent to occupy one of the housing units existing or constructed on one of the parcels created by the Urban Lot Split as their principal residence for a minimum of three years from the date of approval of the parcel map for an Urban Lot Split.
- K. Minimum Rental Period. Any dwelling unit located on a parcel created by Urban Lot Split pursuant to this Ordinance shall not be rented for a period of less than 30 days.
- L. Nonconforming Zoning Conditions. Notwithstanding the provisions of Novato Municipal Code Division 19.52 (Nonconforming Uses, Structures, and Parcels), approval of an Urban Lot Split shall not be contingent on the correction of any existing nonconforming zoning condition.
- M. Effect of Other Ordinances, Policies, & Regulations. Urban Lot Splits shall comply with all applicable ordinances, policies, and regulations of the Novato Municipal Code. Accordingly, an applicant for an Urban Lot Split is not entitled to lot configuration in any form of their choosing, but rather must accept the configuration meeting all such standards. If no configuration of an Urban Lot Split can conform to all applicable ordinances, policies, and regulations of Novato Municipal Code then a property owner shall be entitled to an Urban Lot Split in the form that most substantially complies with applicable ordinances, policies, and regulations.
- N. Access to Public Right-of-Way. All parcels created through an Urban Lot Split shall have access to, provide access to, or adjoin the public right-of-way. Such access shall

be delineated, defined, and recorded where an irrevocable easement is intended to guarantee access crossing another parcel subject to the Urban Lot Split.

- O. Easements Required. Easements shall be required to ensure the provision of public services and facilities to support a two dwelling residential development constructed on the parcels created through an Urban Lot Split and where such services and facilities are necessary to support existing development.
- P. Preemption. In the event of an inconsistency between the provisions of this ordinance and Government Code Section 66411.7, Government Code Section 66411.7 shall prevail.

SECTION 4: Cost Recovery Agreement, Deposits, and Fees

Applications for a SB 9 Dwelling Unit and a parcel map for an Urban Lot Split shall be accompanied by an executed cost recovery agreement and deposits and fees required for such permits:

- A. SB 9 Dwelling Unit - Planning Division Deposit - \$2,574.00
- B. Parcel Map - Urban Lot Splits
 - 1. Planning Division Deposit - \$3,380.00
 - 2. Public Works Department Fee - \$3,380.00

SECTION 5: California Environmental Quality Act. This Ordinance is statutorily exempt from the requirements of the CEQA pursuant to Government Code 65585.21 (j) and 66411.7(n).

SECTION 6: Findings. The City Council hereby makes the following findings as required by Section 19.56.070.C. of the Novato Municipal Code with respect to this Ordinance:

Finding No. 1 - The proposed amendment is consistent with the General Plan;

Facts in Support: This Ordinance implements the provisions of Senate Bill 9. Senate Bill 9 mandates local agencies to approve two dwelling residential developments and urban lot splits on parcels zoned for single-family residential use subject to specific regulations. Senate Bill 9 preempts a local agency's general plan with respect to land use and density requirements in single-family residential zones. Accordingly, by operation of law, this Ordinance is consistent with Novato General Plan 2035.

Finding No. 2 - The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

Facts in Support: This Ordinance provides local regulations for two dwelling residential developments and urban lot splits on parcels located in a single-family residential zone as mandated by Senate Bill 9. The regulations of this Ordinance represent reasonable standards

and review procedures, consistent with similar standards for residential uses, to ensure the design of two dwelling residential developments and urban lot splits do not adversely impact the public interest, peace, health, safety, convenience, and welfare of the City to the extent permitted by Senate Bill 9.

Finding No. 3 - The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA), and the Novato Environmental Review Guidelines;

Facts in Support: This Ordinance is statutorily exempt from the requirements of CEQA pursuant to Government Code 65585.21 (j) and 66411.7(n);

SECTION 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

SECTION 8. Effective Date and Duration. This Ordinance is hereby declared to be an urgency measure and shall become effective immediately upon adoption by at least a four-fifths (4/5) vote of the Novato City Council unless extended in accordance with applicable law, pursuant to Government Code Section 36937(b).

SECTION 9. Posting. This Ordinance shall be published in accordance with applicable provisions of law, by either:

Publishing the entire Ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

Publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the Ordinance.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the 8th day of February, 2022, by the following vote, to wit:

AYES:	Councilmembers	Athas, Eklund, Milberg, Wernick, Lucan
NOES:	Councilmembers	
ABSTAIN:	Councilmembers	
ABSENT:	Councilmembers	



Mayor of the City of Novato



City Clerk of the City of Novato

Approved as to form:



City Attorney of the City of Novato

