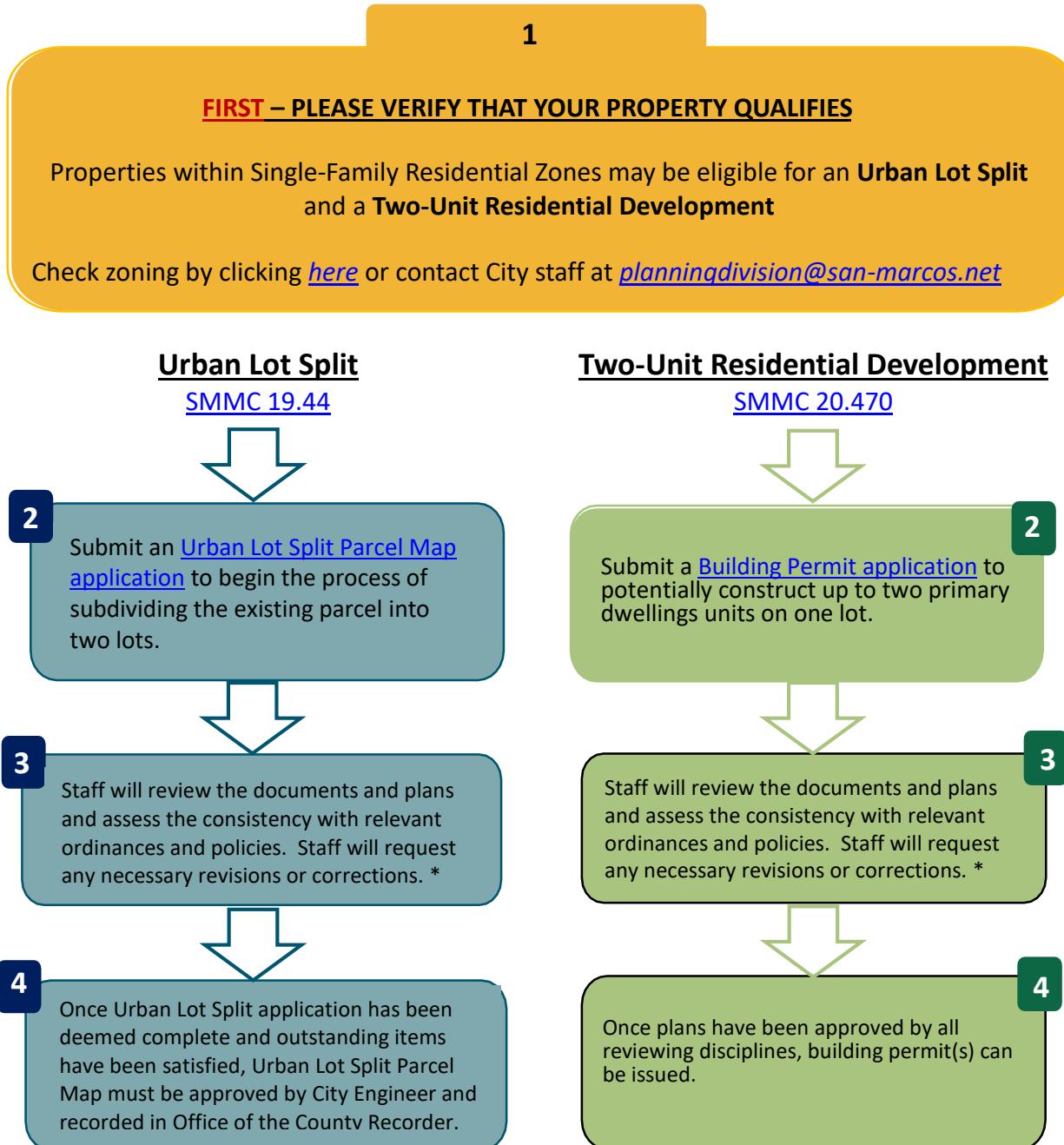




PROCESSING FOR URBAN LOT SPLITS & TWO-UNIT RESIDENTIAL DEVELOPMENTS

This [page](#) summarizes the application process for Urban Lot Splits and Two-Unit Residential Developments. Refer also to San Marcos Municipal Code (SMMC) Chapters 19.44 and 20.470, respectively.

Two-Unit Residential Development development standards follow this page. Please see Engineering's separate [Urban Lot Split](#) document for development standards and application.



* The required permits and processing times can vary depending on the nature and complexity of a project and the completeness of the documents submitted.



DEVELOPMENT STANDARDS: TWO-UNIT RESIDENTIAL DEVELOPMENT

A Two-Unit Residential Development consists of any two attached or detached primary dwelling units designed and used to house two households living independently of each other on the same legal lot, subject to the provisions of SMMC Ch. 20.470.

QUALIFYING PROJECTS MUST MEET ALL OF THE PREREQUISITES LISTED BELOW:

Parcel Location and Size.

- Parcel is located within a Single-Family Residential Zone.
- The subject parcel has not already been established/subdivided per SMMC Ch. 19.44, nor has the owner or someone working in concert with the owner subdivided an adjacent parcel per SMMC 19.44.
- The subject parcel is not located within:
 - A historic district, or California Historical Resources Inventory, historic property, or landmark.
 - Prime farmland or farmland of statewide importance.
 - Any wetland, 100-year flood zone, or floodway¹.
 - A very high or high fire severity zone.
 - A hazardous waste or hazardous list site.
 - A delineated earthquake fault zone.
 - An area identified for conservation in an adopted natural community conservation plan.
 - Habitat area for protected species or lands under a conservation easement.
 - Areas greater than 25% slope.

Development of Each Parcel.

- Maximum dwelling units per lot:
 - Per 20.470.030(A): No more than four units - including primary dwelling units, accessory dwelling units, and/or junior accessory dwelling units in any combination - may be created on a parcel.
 - If a parcel was created subject to the urban lot split provision of [Chapter 19.44](#) and includes an existing or proposed two-unit development, then no accessory dwelling units or junior accessory dwelling units are permitted on the parcel.
 - If a parcel was not created subject to the urban lot split subdivision provisions of [Chapter 19.44](#) and includes an existing or proposed two-unit development, then one accessory dwelling unit may be developed for each primary dwelling unit on the parcel.

¹ For exceptions to 100-year flood zone or floodway, see California GOV Section 65913.4 (a)(6)(G) & (H).



- If a parcel was created subject to the urban lot split subdivision provisions of [Chapter 19.44](#) and includes one primary dwelling unit only, then one accessory dwelling unit or one junior accessory dwelling unit for each primary dwelling unit is permitted.
 - Units may be incorporated entirely within an existing unit and/or increase their size
 - Units may be attached (e.g. duplex) or detached
- New primary dwellings to be constructed shall be limited to a maximum of 800 square feet each. If proposed, Accessory Dwelling Unit (ADU) and Junior ADU sizes are subject to SMMC Ch. 20.410- Accessory Dwelling Units and Accessory Structures.
 - Primary units and ADUs (if proposed) are architecturally compatible.
- Each unit located on a parcel created has legal vehicular ingress and egress to the public right-of-way.
- New units constructed do not exceed 16' in height and 1-story.
- Any new primary unit meets a minimum 4-foot setback to side and rear property lines. Front yard setback of the applicable zone shall apply.
- No setback shall be required to convert an existing structure into 2 primary units or construct a new 2-unit structure within the same location and to the same dimensions as the existing structure.
- The subject parcel provides at least 1-attached covered garage space at 10' x 20' free and clear, except if:
 - Located within ½ mile walking distance of a City-identified high-quality transit corridor or major transit stop.
 - Located within one block of a car share vehicle lot.
 - Located within an attached garage
- The proposed development does not allow the demolition of more than 25% of the existing exterior structural walls unless the project has not been occupied by a tenant in the last three years.

Concurrent Processing.

- For urban lot splits, building permits for the two-unit residential developments must be processed concurrently and must obtain a ready-to-issue by Building division to deem Urban Lot Split application complete.
- A grading plan must be processed concurrently with an Urban Lot Split. All grading is subject to SMMC Ch. 17.32.
- When applicable, Community Facilities District annexation ballot must be received prior to deeming the Urban Lot Split application or Building Permit processing is complete.

Affordable Housing and Deed Restrictions.

- The proposed subdivision does not result in the demolition or alteration of any of the following types of housing:



- Affordable housing for moderate, low, or very low incomes or rent-controlled housing.
- Housing that has been occupied by a tenant in the past three years.
- A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent applies.
- For those Two Unit Residential Developments that do not involve an urban lot split subdivision pursuant to Chapter 19.44, the owner must sign a deed restriction that will be recorded with the San Diego County Recorder stating:
 - Per SMMC 20.470.030(H), one of the primary units must be and must remain property owner occupied.
 - Rental of any unit(s) must be at least for 31 days or more; and
 - The subject parcels are limited to residential uses.

IMPORTANT NOTES:

- New development is subject to review by the City Fire Department. Requirements may include, fire sprinklers, hydrants, fire truck turnaround, access road improvements, 150-ft fuel management zone, or other requirements.
- Processing of a Two-Unit Residential Development does not preclude the need for future environmental analysis in accordance with the California Environmental Quality Act (CEQA) at the time of development of the site. CEQA review may be required. Environmental Analysis under CEQA could result in the need for preparation of environmental studies, the preparation of a CEQA document, and the fulfillment of identified mitigation.
- Storm water quality requirements and BMP regulations apply.
- Special regulations may apply to construction in the floodplain.
- Contact the water and sewer/septic agencies for requirements (e.g. Vallecitos Water District, Vista Irrigation District, Buena Sanitation District, County of San Diego Department of Environmental Health).
- It is the owner/applicant's responsibility to ensure that no federal, state or county laws, ordinances, regulations, or policies, including, but not limited to the Federal Endangered Species Act and any amendments thereto are violated. If any state or federal permits are required, it is the owner/applicant's responsibility to obtain those permits before any clearing, grading or construction occurs on the site. Other permits that maybe required include the Migratory Bird Treaty Act, and any structures older than 45 years may require an evaluation as a potential historic resource.
- Property owners must verify that any applicable Conditions, Covenants, and Restrictions CC&R and/or Homeowner's Association (HOA) rules are not in conflict with SB 9 or SMMC Ch. 20.470.

SB 9 OBJECTIVE STANDARDS FOR TWO UNIT RESIDENTIAL DEVELOPMENT

(CITY COUNCIL DECEMBER 14, 2021, STAFF REPORT ATTACHMENT 4)



ATTACHMENT 4

OBJECTIVE STANDARDS FOR TWO UNIT RESIDENTIAL DEVELOPMENT

Proposed Objective Standards for Two-Unit Residential Developments

Applicable Zones

- R-1-20, R-1-10, R-1.7.5 or R-2 zones, or other areas determined to be single-family residential zones pursuant to California Government Code sections 65852.21 and 66411.7.

Allowed Sites

- On an existing legal lot with or without existing units

Special Location Considerations

Not allowed in:

- Prime farmland
- Wetlands
- A very high fire hazard severity zone, unless sites are subject to adopted fire hazard mitigation measures pursuant to existing building standards applicable to the development
- A special flood hazard area, unless certain criteria are met
- A regulatory floodway, unless certain criteria are met
- Lands identified for conservation in an adopted natural community conservation plan
- Habitat for protected species
- Lands under conservation easement

Setbacks

Development shall comply with applicable setbacks in the RS Zone, except:

- Interior setbacks may be reduced to 4 feet for one-story buildings
- No setback required to convert or substantially redevelop an existing structure to a two-unit residential development

Design

All two-unit residential development shall blend with any existing primary dwelling unit on the lot and neighborhood residences by incorporating the same or similar architectural features, building materials, and color as the primary dwelling unit on the property. These features shall include roofing material, roof design, fascia, exterior building finish, color, exterior doors and windows (including ratios of window width to height and window area to wall area), garage door, and architectural enhancements.

Maximum Number of Units

- No more than two primary residential units allowed per lot
- One ADU allowed per primary unit on a lot
- Units may be incorporated entirely within an existing unit and/or increase their size
- Units may be attached or detached

Number of Parking Spaces

May require up to one space per unit, except a local agency shall not impose parking requirements in either of the following instances:

- The parcel is located within ½ mile walking distance of either a high-quality transit corridor or a major transit stop.
- There is a car share vehicle located within one block of the parcel.

Rental Restriction

- Rental of any unit must be for a term longer than 30 days.

Effect on Existing Site Development

- Development does not demolish more than 25% of existing exterior structural walls, unless allowed by the San Marcos Municipal Code and/or the structure has been unoccupied by a rental tenant for at least the preceding three years.

Effect of Existing Rental Housing

Development would not require demolition or alteration of the following housing types:

- Restricted affordable housing 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.
- Any unit occupied by a rental tenant at any point within the preceding three years.

Location of Parking Spaces

- Off-street parking is subject to Chapter 20.340. Parking is prohibited in the front yard or corner setback subject to Section 20.340.060(F).

Fire Buffers

- Development prohibited within 150 feet of vegetation unless otherwise approved by the San Marcos Fire Department.

Height

- Each new unit cannot exceed a maximum height of 16 feet. Two-story structures, or units proposed above a detached accessory structure are not permitted.