

Interim Guidance for Senate Bill 9 Projects

The following summary and tables provide interim guidance while Planning staff prepare the necessary City Code amendments to codify Senate Bill 9.

Senate Bill 9 - Effective January 1, 2022

-Applies in single family residential zoning districts (RR, R1, Single-Family Planned Developments)

-Requires ministerial approval of:

- Two residential units per lot (Two Unit Developments)
- Parcel maps for an urban lot split (Urban Lot Splits)

General Requirements for Two Unit Developments & Urban Lot Splits

Excluded Areas:

- Prime Farmland
- Wetlands
- Hazardous Waste Site
- Lands Identified for Conservation in an Adopted Plan or Under a Conservation Easement
- Habitat for Protected Species (candidate threatened, endangered)
- Historic Landmarks (State or Local)
- Historic Preservation Districts

Conditionally Excluded Areas:

- Very High Fire Hazard Severity Zone*
- Earthquake Fault Zone*
- Special Flood Hazard Area*
- Regulatory Floodway*

*Unless subject to compliance with hazard mitigation building codes and measures

Existing Rental Housing Exclusions

Proposed project cannot demolish or alter:

- Housing that restricts rents to persons of moderate, low, or very low income
- Housing subject to rent or price control
- Housing occupied by a tenant in the last three years

Short Term Rental Restrictions

Rental of any unit created under this program shall be for a term longer than 30 days

Two Unit-Development Requirements

Allowed subject to the following State requirements and City objective standards:

- City Objective Zoning and Subdivision, and Design and Construction Standards
 - Objective standards cannot physically preclude construction of two units of 800 square feet or less
 - Setbacks cannot be more restrictive than 4-feet for interior side or rear yard
 - No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
 - Building Code and Fire Code
 - Off-street parking of up to one space per unit can be required, except in cases when
 - The parcel is located within one-half mile walking distance of either a high-quality transit corridor, defined as a bus route with 15-minute headways shown on this [map](#), or an existing SMART Station.
 - There is a car share vehicle located within one block of the parcel.
 - Note no additional parking can be required within the Downtown Station Area Specific Plan Area.

Urban Lot Split Requirements

Allowed subject to the following State requirements and City objective standards:

- An applicant is required to sign an affidavit stating the applicant intends to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split
- The parcel cannot be previously established through an SB 9 urban lot split
- Neither the owner of the parcel being subdivided, nor any person acting in concert with the owner, may subdivide a lot if they split an adjacent parcel using an urban lot split
- Lots created through an urban lot split must be approximately of the same area (lot area shall not be less than 40 percent of the original parcel area)
- Lots created must be a minimum of 1,200 square feet
- Two single-family units, or a duplex are allowed per single-family lots; ADUs and/or JADUs are also allowed in compliance with the City's current ADU Ordinance.
 - The City can expressly prohibit ADUs and JADUs (by Ordinance) for properties which undergo both an urban lot split AND develop two residential units.
 - A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding 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 City cannot impose regulations that require dedications of rights-of-way or construction of offsite improvements for newly created parcels

- Easements required for the provision of public services and facilities may be required
- Parcels can be required to have access to, or provide access to, or adjoin the public right-of-way
- Off-street parking of up to one space per unit can be required, except in cases when
 - 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.
 - There is a car share vehicle located within one block of the parcel.
 - A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.
- Uses allowed on a lot created by Senate Bill 9 shall be limited to residential uses.

Two-Unit Developments

Applicable Zones	RR-40, RR-20, R-1-15, R-1-9, R-1-7.5, R-1-6, Single-Family Planned Developments
Allowed Sites	On an existing or proposed lot with or without existing units
Special Location Considerations	<p>Not allowed in:</p> <ul style="list-style-type: none"> - 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 hazardous waste site - A special flood hazard area, unless certain criteria are met - A regulatory floodway, unless certain criteria are met - Earthquake fault zone, unless project complies with applicable seismic building code standards - Lands identified for conservation in an adopted natural community conservation plan - Habitat for protected species - Lands under conservation easement
Maximum Dwelling Units per Lot	Two primary units (attached or detached) per lot (ADUs and JADUs – allowed consistent with the ADU Ordinance)
Minimum Lot Size	None
Floor Area Minimum	As required by building code
Floor Area Maximum	No set maximum, dependent on lot size and existing development standards including lot coverage, setbacks, etc.
Setbacks	<p>Comply with applicable zoning district setbacks except:</p> <ul style="list-style-type: none"> - Interior side and rear setbacks may be reduced to four feet - No setback shall be required to for an existing structure, or a structure constructed in the same location and same dimensions as an existing structure
Height	Comply with applicable zoning district standards
Parking	<p>One on-site space required per primary unit, unless:</p> <ul style="list-style-type: none"> - Parcel is located within one-half mile walking distance of either a high-quality transit corridor, defined as a bus route with 15-minute headways shown on this map, or an existing SMART Station. - There is a car share vehicle located within one block of the parcel
Zoning Standards	<p>All objective zoning standards apply except:</p> <ul style="list-style-type: none"> - Interior side and rear yard setbacks

	<ul style="list-style-type: none"> - Standards that would physically preclude the construction of two units on either of the resulting parcels, or would result in a unit size less than 800 square feet (setbacks, lot coverage, etc.)
Historic Resources	No Two Unit Developments allowed within Preservation Districts or on City Landmarks.
Effect on Existing Rental Housing	<p>Development shall not require the demolition or alteration of any of the following:</p> <ul style="list-style-type: none"> - A dwelling subject to a recorded covenant, ordinance or law that restricts rent to levels affordable to persons/families of moderate, low, or very low income - A dwelling that has been occupied by a tenant at any time during the 3 years
Short Term Rentals	The City shall require that a rental of any unit be for a term longer than 30 days.

Urban Lot Split

Applicable Zones	RR-40, RR-20, R-1-15, R-1-9, R-1-7.5, R-1-6, Single-Family Planned Developments
Allowed Sites	Existing legal lot with or without existing units
Allowed Uses	Residential uses only
Owner Occupancy	Owner must sign an affidavit stating intent to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the recording of the parcel map
Multiple-Subdivisions	<p>The parcel cannot be previously established through an urban lot split</p> <p>Neither the owner of the parcel being subdivided, nor any person acting in concert with the owner, may subdivide a lot if they split an adjacent parcel using an urban lot split</p>
Special Location Considerations	<p>Not allowed in:</p> <ul style="list-style-type: none"> - 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 hazardous waste site - A special flood hazard area, unless certain criteria are met - A regulatory floodway, unless certain criteria are met - Earthquake fault zone, unless project complies with applicable seismic building code standards

	<ul style="list-style-type: none"> - Lands identified for conservation in an adopted natural community conservation plan - Habitat for protected species - Lands under conservation easement
Maximum Lots	Two lots of approximately equal area
Maximum Dwelling Units per Lot	Two primary units per newly created lot (does not include ADUs and JADUs – still allowed consistent with the ADU Ordinance)
Lot Area Minimum	<ul style="list-style-type: none"> - Lot area shall not be less than 40 percent of the original parcel area - Minimum 1,200 square feet
Easements	<ul style="list-style-type: none"> - Easement required for the provision of public services and facilities can be required - Easements that provide access to the public right-of-way
Vehicular Access	Objective standards allowed
Zoning Standards	<p>All objective zoning standards apply except those which:</p> <ul style="list-style-type: none"> - Require a minimum lot size - Limit the number of dwelling units per area - Would physically preclude the construction of two units on either of the resulting parcels, or would result in a unit size less than 800 square feet
Historic Resources	No Urban Lot Split allowed within Preservation Districts or on City Landmarks.
Effect on Existing Rental Housing	<p>Lot lines shall not require the demolition or alteration of any of the following:</p> <ul style="list-style-type: none"> - A dwelling subject to a recorded covenant, ordinance or law that restricts rent to levels affordable to persons/families of moderate, low, or very low income - A dwelling that has been occupied by a tenant at any time during the 3 years before the date of the parcel map
Short Term Rentals	The City shall require that a rental of any unit be for a term longer than 30 days.