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## **SB 9 Eligibility Bulletin**

**Effective January 1, 2022**

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### **What is Senate Bill 9 (SB 9)?**

SB 9, also known as The California Housing Opportunity and More Efficiency (HOME) Act, was signed into law and requires the City to ministerially review and approve (without discretion or public hearing) proposed housing developments containing no more than two residential units and/or an urban lot split on qualified single-family zoned parcels pursuant to Government Code Sections 65852.21, 66411.7, and 66452.6.

### **Is my property eligible for SB 9?**

A parcel must meet specific standards and conditions to be eligible for an SB 9 housing development as follows:

- Parcel must be zoned exclusively for single-family residential (R-1, RS, RE-A, RE-B, or PD w/SFR).
- The project site is not within a historic district or property included on the California Historical Resources Inventory or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- The project site is not located on or in any of the following: 1) prime farmland, or farmland of statewide importance, 2) wetlands, 3) very high fire severity zone, 4) hazardous waste site, 5) delineated earthquake fault zone, 6) 100-year flood zone, 7) floodway, 8) conservation area, 9) habitat for protected species or 10) lands under conservation easement.
- The project site cannot require demolition or alteration of any housing if 1) housing is restricted affordable housing, 2) subject to rent control, or 3) contains tenant occupied housing in the last three years.
- The project does not propose demolition of more than 25 percent of the existing exterior walls unless either 1) the local ordinance allows more demolition, or 2) the site has not been occupied by a tenant in the past three years.
- Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an SB 9 urban lot split.

### **SB 9 Housing Project - Ministerial Review Standards and Conditions:**

- SB 9 projects are subject to objective standards as provided in the Zoning Ordinance and Subdivision Ordinance unless the effect of the standards would physically preclude either of the two units from being at least 800 square-feet with four foot side and rear setbacks.
- SB 9 projects in the Coastal Zone require a coastal permit and are subject to all provisions of the Local Coastal Program, and California Coastal Act, except no public hearing is required.
- An SB 9 housing unit and/or urban lot split may be denied if the building official makes a written finding that the proposed housing development would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact per Government Code Sec. 65589.5, subdivision (d)(2).
- The rental of any unit created must be for a term longer than 30 days.

## **SB 9 Housing Units**

- For the purposes of SB 9, an “SB 9 housing unit” shall mean a primary dwelling unit.
- Allows the construction of two primary dwelling units on qualifying lots. Each unit shall not exceed 800 square-feet with maximum four foot side and rear setbacks. Units shall comply with front yard setback and maximum height of base zoning district.
- Units can be detached or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
- No setbacks are required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- Parking of no more than one space per dwelling unit is required, except no parking required for projects a) within a half-mile walking distance of a high-quality transit corridor or a major transit stop or b) within one block of car share.
- When an urban lot split has not occurred, a parcel is eligible to receive one accessory dwelling unit (ADU) or Junior ADU (JADU) for each SB 9 housing unit. In no case shall more than four units be allowed on a single lot, in any combination of primary units, ADUs, or JADUs.
- An ADU) or JADU shall not be permitted for a project that includes both construction of SB 9 housing units and an urban lot split.

## **SB 9 Urban Lot Split**

- Allows an existing lot to be subdivided by a parcel map to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.
- Both newly created parcels are no smaller than 1,200 square feet.
- Parcel has not been established through a previous SB 9 lot split.
- No setbacks (from new property line) are required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- Parcels shall have access to, provide access to, or adjoin a public right-of-way.
- Dedication of easements may be required if necessary for public services and facilities.
- The City shall not require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split.
- Applicant shall sign an affidavit stating the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
- The City shall not require, as a condition for approval for an urban lot split, the correction of nonconforming zoning conditions.
- No more than two units shall be permitted on a parcel created through an urban lot split. ADUs and JADUs, in addition to SB 9 units, shall be prohibited.