

LOT SPLITS

RESOURCE GUIDE

WHAT IS SB 9

In September 2021, California adopted Senate Bill 9 (SB 9), allowing duplexes and urban lot splits on single-family properties. The bill enables the ministerial approval of housing developments with up to two residential units without discretionary review or public hearings, provided they meet specific eligibility criteria. Cities must also approve urban lot splits in single-family residential zone if they adhere to objective standards for zoning, subdivision, and design.

KEY TAKEAWAYS FROM SB 9:

A single-family property could potentially have up to four units (two units on two lots) if it meets certain eligibility and standard requirements.

Also, the City will now be able to ministerially approve (without discretionary review or a public hearing) one or both of the following:

- 2-Unit Housing Development: A housing development of no more than two units in a single-family residentially zoned lot.
- Urban Lot Split: A single-family residentially zoned lot can be split into two lots.

DEVELOPMENT STANDARDS

URBAN DWELLINGS:

- Limiting the Number of Units: The amendment will limit the maximum number of units permitted for urban dwellings. A proposed urban dwelling development shall contain no more than two units of at least 800 square feet in floor area.
- Deed Restricted Affordable Housing and Rental Housing:
SB 9 projects may not demolish:
 - Housing 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.
 - Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - Housing that has been occupied by a tenant in the last three years.
- Limits on Demolition: SB 9 projects must not demolish more than 25 percent of the existing exterior structural walls unless the property has not been occupied by a tenant in the last three years.

URBAN LOT SPLITS:

- Limiting the Number of Units: An urban lot split can contain no more than two units. All (existing or new) Accessory Dwelling Units (ADUs) and Junior ADUs will be counted towards the maximum number of units. An urban lot split shall contain no more than four residential units, two per lot.
- Size and Number of Parcels: The amendment will limit urban lot splits to 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 proposed for subdivision. Both newly created parcels created by an urban lot split must be no smaller than 1,200 square feet.
- Existing Structures: State law imposes no setback requirements for an existing permitted structure, or a structure constructed in the same location and to the same dimensions as an existing permitted structure.
- Owner Occupancy: The amendment will require property owners to sign an affidavit that the applicant will 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.

