



SENATE BILL 9 (SB9)

SINGLE-FAMILY RESIDENTIAL DUPLEXES AND URBAN LOT SPLITS

On January 1, 2022, new State laws went into effect that require local governments to approve a housing development that contains no more than two units within a single-family residential zone ministerially, without discretionary review or public hearing, if the proposed development meets certain criteria. Additionally, SB 9 requires the City to ministerially approve a parcel map to subdivide an existing parcel in a single-family residential zone into two new parcels (urban lot split). Provided below is a summary of State regulations (Government Code 65852.21) that will guide implementation.

General Standards	<p><u>Duplex Units:</u> Housing development that contains no more than two units within a single-family zoned lot (Duplex) will be approved ministerially, without discretionary review or public hearing, if the proposed development meets certain criteria.</p> <p><u>Urban Lot Splits:</u> A parcel map to subdivide an existing parcel in a single-family residential zone will be approved ministerially, without discretionary review or public hearing if the proposed development meets certain criteria, including that one of the housing units must be occupied by the owner, as their principal residence, for a minimum of three years.</p>
Permit Process	<p><u>Duplex units:</u> A minimum of 800 square feet each: Ministerial approval via Zoning Plan Check and Building Permits.</p> <p><u>Urban Lot Split:</u> Ministerial approval only if it conforms to all applicable objective requirements of the Subdivision Map Act.</p>
Number of Units	<p>Where a lot is not split, up to two units may be allowed on a parcel, and each of those units may have an ADU or JADU for a total of four units.</p> <p>Where a lot is split, each parcel is limited to two units, inclusive of any ADU or JADU, resulting in a total of four units on the two lots. A lot split by SB9 may not be split again, nor may any adjacent property under the same ownership be split.</p>
Permitted Zoning	To qualify for SB 9 Duplex or Urban Lot Split, the parcel must be zoned R-1 Residential Low Density, R/HP Residential/Hillside Protection, Three Arch Bay, Lagunita or Arch Beach Heights; however, SB 9 does not supersede HOA CC&Rs.
Duplex	
Size	Minimum Square Feet of Each Unit: 800
Height	Per Zoning Standards 25.10.008 Property development standards (D)
Setbacks	<p><u>Front Setback:</u> 20 feet (unless using footprint of an existing structure)</p> <p><u>Sides and Rear:</u> 4 feet (unless using footprint of an existing structure)</p>
Parking Required	One off-street parking space is required in accordance with Zoning Code. No areas within the City satisfy criteria specified in SB9 to exempt required parking.



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Utility Connections	Separate utility and meter connections are required for duplex units. New units may be subject to connection fee or capacity charge.
Deed Restriction	The property owner will be required to record a deed restriction indicating that any rental unit created pursuant to SB9 shall only be for a term longer than 30 days.
Criteria	<p>To qualify for SB 9 duplex units:</p> <p>The proposed development would not require the demolition or alteration of any of the following types of housing:</p> <ul style="list-style-type: none"> • Housing subject to a recorded covenant, ordinance, or law that restricts rents to level affordable to persons and families of moderate, low, or very low income. • Housing that is subject to any form of price control • Housing that has been occupied by a tenant in the last three years. <p>The proposed development would not allow demolition of more than 25 percent of the existing structure if the site has been occupied by a tenant in the last three years.</p> <p>The site is not located within a historic district, included on the State Historic Resources Inventory, or within a site designated or listed as a landmark or historic property or district. Refer to the City's Historic Register.</p>
Urban Lot Split	
Size	A minimum lot size of 2,400 square feet to be split into no more than two parcels, each a minimum of 1,200 square feet, and one parcel shall not be less than 40 percent of the original parcel.
Minimum Square Feet of Each Unit	800
Setbacks	Same as Duplex requirements.
Criteria	<p>The proposed development would not require the demolition or alteration of any of the housing types of housing listed in the above criteria for a Duplex.</p> <p>The proposed development would not allow demolition of more than 25 percent of the existing structure if the site has been occupied by a tenant in the last three years.</p> <p>The site is not located within a historic district, included on the State Historic Resources Inventory, or within a site designated or listed as a landmark or historic property or district. Refer to the City's Historic Register.</p>



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Criteria (Continued)	<p>The parcel has not been established through prior exercise of an Urban Lot Split, and 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 Urban Lot Split.</p> <p>Conforms to all applicable requirements of the Subdivision Map Act (Division 2, commencing with Section 66410) except as otherwise expressly provided in SB9.</p> <p>No dedications of right-of-way or off-site improvements for the parcels being created may be imposed as a condition of approval.</p> <p>The City may deny an Urban Lot Split if the Building Official makes a written finding that the proposed housing development project would have specific, adverse impacts on public health and safety or the physical environment when there is no feasible method to mitigate or avoid the adverse impact.</p> <p>Parcels created by an Urban Lot Split require adjoining access to a public right-of-way; and may require easements for the provision of public services and facilities.</p>
Parking	<p>One off-street parking space is required for each housing unit, in accordance with Zoning Code. No areas within the City satisfy criteria specified in SB9 to exempt required parking.</p>
Restrictions	<p>The uses allowed on both lots created by the lot split are limited to residential uses.</p> <p>The applicant/property owner will be required to sign an affidavit stating that the applicant/property owner 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.</p> <p>The applicant/property owner will be required to record a deed restriction indicating that any rental unit created pursuant to SB9 shall only be for a term longer than 30 days.</p>



SENATE BILL 9 (SB9) OWNER AFFIDAVIT

UNDER PENALTY OF PERJURY THE FOLLOWING DECLARATIONS ARE MADE:

- a. The undersigned is the owner of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. **Public Record.** I understand that any information provided in this form becomes part of the public record and can be made available to the public for review.
- d. **Protected Housing.** I certify that the project does not include the demolition or alteration of any of the following types of housing:
 - i. 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;
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
 - iii. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) 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 submits an application;
 - iv. Housing that has been occupied by a tenant in the last three years.
- e. **No Prior Urban Lot Split.** If an urban lot split is proposed, I certify that the parcel has not been established through prior exercise of an urban lot split; and that 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 urban lot split.
- f. **Owner Occupancy.** If an urban lot split is proposed, I, the property owner intend to occupy one of the housing units located on a lot created by the parcel map as my principal residence for a minimum of three years from the date of approval of the urban lot split.
- f. **Rental Terms.** I understand and agree that rental terms of any unit created by the project shall not be less than 31 consecutive days.
- g. **Residential Uses.** I understand and agree that uses allowed on a lot are limited to residential uses only.

PROPERTY ADDRESS

OWNER NAME

OWNER SIGNATURE

DATE

Include Notarized Signature Form