



# SENATE BILL 9 FAQ

## WHAT IS SENATE BILL 9 (SB-9)?

California Senate Bill 9 (SB-9) allows duplexes (two-unit housing) and urban lot splits (creation of two new lots) in areas of the City that are zoned to typically allow only one unit per lot. SB-9 projects are exempt from discretionary review if the project is consistent with SB-9 and all objective zoning, design and subdivision standards.

## WHERE DOES IT APPLY?

SB-9 applies in City's single family residential zones (RS – Suburban Residential and R1 – Low Density Residential). It does not apply in any other zoning districts including R2, R3, or RMU.

## WHERE IS SB 9 PROHIBITED?

Certain properties are not eligible to use SB-9, as determined by state law, including locations with any of the following features:

- A creek, watercourse, wetlands, or habitat for protected species.
- Hazardous waste site, unless cleared for residential use.
- Prime farmland, or land designated for agricultural protection or preservation.
- A special flood hazard area or regulatory floodway, unless complies with floodplain management criteria.
- Land identified for conservation in conservation plan or easement.
- Landmark or Historic Designated site.
- Demolition or alteration of housing with rents restricted to levels affordable to moderate, low, or very low income.
- Demolition or alteration to housing subject to rent or price control.
- Demolition or alteration of housing that has been occupied by a renter/tenant in the last 3 years.

## CAN ONE OR BOTH UNITS BE RENTED SHORT TERM?

No, state law prohibits rentals less than 30 days for two-unit residential projects developed pursuant to SB-9.

## IS OWNER-OCCUPANCY REQUIRED FOR TWO-UNIT DEVELOPMENTS?

No, two-unit residential developments do not require owner occupancy.

## IS OWNER-OCCUPANCY REQUIRED FOR URBAN LOT SPLITS?

Yes, urban lot splits do require owner-occupancy. The property owner must sign a statement indicating that the owner intends to occupy one of the housing units located on a lot created by the parcel map as their principal residence for a minimum of three years from the date of recording of the parcel map.

## **CAN I DEMOLISH AN EXISTING BUILDING?**

Yes, however SB-9 does not allow the demolition or alteration of any of the following types of housing:

- Housing that has been occupied by a tenant in the last three (3) years.
- 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.

## **HOW IS TWO-UNIT RESIDENTIAL DIFFERENT FROM ADUs?**

SB-9 differs from rules that allow single family units and accessory dwelling units (ADUs) on a lot because ADUs cannot be sold separately from the primary unit. In addition, ADUs that are under 750 square feet are not subject to development impact mitigation fees (i.e., City facility fees), whereas development pursuant to SB-9 is subject to development impact mitigation fees and must provide one parking space required per residential unit.

## **CAN I HAVE BOTH AN ADU AND TWO-UNIT HOUSING ON MY LOT?**

No more than two (2) dwelling units of any kind may be constructed or maintained on a lot that results from an urban lot split. For purposes of this subdivision, the two-unit limitation applies to any combination of primary dwelling units, ADUs, and JADUs.

## **IS PARKING REQUIRED?**

Yes, one off-street parking space is required per unit.

## **WILL I HAVE TO HOOK UP TO CITY SEWER?**

Yes, SB-9 projects are required to hook up to City sewer if currently on septic.

## **WILL I HAVE TO PAY IMPACT FEES?**

Yes, payment of impact fees is required when adding one or two units under SB-9 provisions. For more information on potential impact fees please contact Public Works Engineering at (530) 879-6900.