

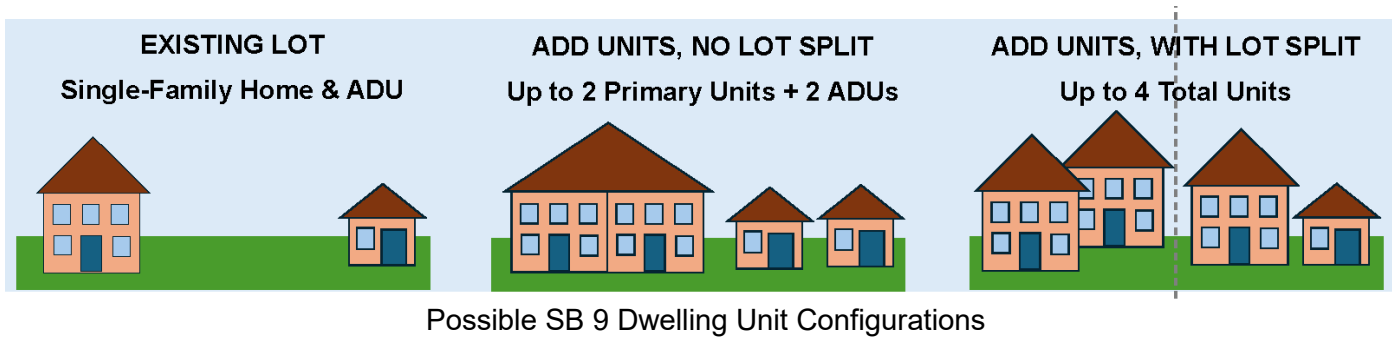


SB 9 LOT SPLIT & HOUSING DEVELOPMENT

Handout

What is SB 9?

Senate Bill 9 or **SB 9** is a California State Law that allows a parcel zoned single-family residential (R-1) to be subdivided into two parcels, and/or allows construction of up to two primary homes per lot, if the parcel meets the SB 9 eligibility criteria and if the project meets the minimum SB 9 development requirements listed in this handout. SB 9 is intended to support the creation of additional infill rental and ownership housing opportunities within single-family neighborhoods.



Is my property eligible?

To be eligible for an SB 9 project, a parcel must be zoned single-family residential (R-1). The parcel *may not* be located within:

- Wetlands
- A Very High Fire Hazard Severity Zone
- Lands identified for Conservation in an Adopted Natural Community Conservation Plan
- Habitat for Protected Species
- A Historic District, be included on the State Historic Resources Inventory, or within a site that is legally designated or listed as a city or county landmark or historic property

In addition, SB 9 is not permissible if the property has been subject to the Ellis Act within the past 15 years.

See the SB 9 Site Eligibility Checklist for more information on eligibility criteria and additional requirements and/or restrictions if the parcel is located in a hazardous waste site, delineated earthquake fault zone, or 100-year floodplain or a floodway.

Can I subdivide my eligible SB 9 lot?

Yes, an SB 9 Urban Lot Split is permissible provided all the following are true:

- The lot has a minimum size of 2,400 sq. ft.
- The parcel has not been established through prior exercise of an SB 9 Urban Lot Split
- The property owner has not previously subdivided or acted in concert with any person to subdivide an adjacent parcel using an SB 9 Urban Lot Split

Each resulting lot must:

- Have a minimum size of 1,200 sq. ft.
- Be no smaller than 40% of the lot area of the original parcel
- Have / provide access to or adjoin the public right-of-way. Possess easements and/or other necessary property rights required for the provision of public services and facilities.

Parcels created through an SB 9 Urban Lot Split are also subject to the following restrictions:

- **Owner Occupancy** – the property owner is required to sign an affidavit stating that they intend 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.
- **No Demolition of Protected Housing** – the property owner is required to sign a demolition affidavit stating that the proposed project does not result in the demolition or alteration of a) Affordable or rent-controlled housing or b) Market-rate housing that has been occupied by a tenant in the past three years.
- **Residential Uses Only** are permissible on a parcel created through an Urban Lot Split.
- **No Short-term Rentals** – SB 9 Units may not be utilized as short-term rentals (i.e. rentals less than 30 days).
- **Conformance with HOA Rules** – an SB 9 development must conform to any applicable Codes, Covenants & Restrictions (CC&Rs) or Homeowner Association (HOA) Rules.

How many residential units can I have with an SB 9 project?

SB 9 projects may have a maximum of 4 dwelling units, with a maximum of two primary dwelling units per lot. Dwelling units may be attached or detached. Possible combinations of dwelling unit configurations are listed below.

<u>With</u> an Urban Lot Split	With <u>no</u> Urban Lot Split
<ul style="list-style-type: none"> • Two Primary Units per lot • One Primary Unit and One ADU per lot • One Primary Unit on one lot and One Primary Unit with an ADU and a JADU on the second lot 	<ul style="list-style-type: none"> • Two Detached Primary Units, one detached ADU, and one converted ADU • Two Attached Primary Dwelling Units and a total of two ADUs that are either detached or converted from non-habitable residential space (e.g. storeroom, garage, etc.) • One Primary Unit, one JADU, one detached ADU, and one converted ADU

SB 9 Housing Development Project Development Standards for Primary Units* (see ADU/JADU regulations for relevant development standards)		
Setbacks		
<ul style="list-style-type: none"> • 4-foot rear and side yard setbacks for a new or expanded dwelling unit • 15-foot front yard setback • No setbacks required for an existing dwelling or one rebuilt in the same location* <p>*Note: If the lot split results in a reduced setback, an existing structure may need to be remodeled to meet Building and Fire Code requirements prior to map recordation.</p>		
Distance between Structures		
<ul style="list-style-type: none"> • 10-foot separation between primary structures • 6-foot separation between primary structure and accessory structure/ADU 		
Lot Coverage and Floor Area Ratio (FAR)	Height	Parking
<ul style="list-style-type: none"> • 50% Maximum Lot Coverage • 0.55 Maximum FAR 	<ul style="list-style-type: none"> • 28 feet • See AMC §20.24.030 if located in the Hillside Overlay District 	No off-street parking required
<p>*Except for the required 4-foot rear and side yard setback, no development standards can preclude the construction of up to two dwelling units up to 800 square feet in size.</p>		

What is the review process?
<p>SB 9 projects are reviewed ministerially, without discretionary review, and require no noticing or public hearings. All SB 9 Projects require submittal of an SB 9 application.</p> <p>To submit an SB 9 application, email all submittal requirements—see SB 9 Housing Development Submittal Requirements and SB 9 Urban Lot Split Submittal Requirements—as attached PDF documents or via file share link to planning@albanyca.org. Failure to submit a complete application will result in your application not being accepted. Planning fees will be invoiced and sent to the property owner/applicant once the application has been accepted. Upon verification that the project complies with the eligibility requirements and development standards, the applicant may submit for a building permit and/or parcel map.</p> <p>Information on how to submit for a building permit can be found here: https://www.albanyca.org/departments/building/building-permits</p> <p>Information on submitting for a parcel map can be found here: https://www.albanyca.org/home/showpublisheddocument/56323</p>