

SB 9: Urban Lot Splits & Two-Unit Developments

A guidance memo for professionals

Signed into law by Governor Newsom in September 2021, the California Housing Opportunity and More Efficiency (HOME) Act or SB 9, continues the work that ADU laws began by providing more pathways to gently increase density in urban areas. SB 9 can be used to add new homes to an existing parcel, divide an existing house into multiple units or divide a parcel and add homes.



With 7.5 million single family zoned lots, much of the available land in urban areas is tied up with outdated zoning that fails to meet current needs. By allowing two-unit developments and lot splitting on urban single-family zoned lots through a streamlined process, SB 9 developments have the power to :

info@casitacoalition.org
casitacoalition.org

- Add homes in urban areas where they are most needed
- Preserve existing rentals
- Add more options for homeowners to house family or improve finances
- Create affordable homes for those priced out of the market



Rollout status:

- HCD has issued a [fact sheet](#)
- Cities and counties are preparing & releasing their own SB 9 ordinances (must comply with state law)
- Applications trickling in
- First projects under way
- DOJ providing technical assistance/enforcement

CONTENTS

- Introduction** 2
- Definitions** 3
- Options for Development**..... 4
- Project Qualifications** 6
- SB 9 Projects Illustrated**..... 8
- Lot Split Checklist** 9
- Objective Standards**..... 10
- SB 9 and ADUs** 11
- Local Variations**..... 12
- FAQs**13
- Links & Resources** 15
- Appendix A: Sample SB 9 Checklist**.....16
- Appendix B: Sample Owner Affidavit** 18
- Appendix C: Overview Handout**..... 19

What is different now under SB 9?

SB 9 waives discretionary review and public hearings for:

- Building two homes on a parcel in a single-family zone
- Subdividing a lot into two that can be smaller than the required minimum size

SB 9 also:

- Removes CEQA requirements for SB 9 projects
- Restricts approval process to objective standards only
- Removes public hearing requirements for coastal zone projects
- Extends expiration of tentative parcel map from 12 to 24 months

SB 9 requires agencies to modify or eliminate objective development standards on a project-by-project basis if they would prevent an otherwise eligible lot from being split, or prevent the construction of up to two units at least 800 square feet in size. How will this help? See below:



Opportunities for Families

The two-unit provision, without a lot split, gives families the chance to pool finances and build a duplex or second home to rent or for family members, where an ADU's size or height limitations might make that option less useful.

Homeowners can also split their lot and sell it vacant to improve finances or boost savings.

Opportunities for Small Developers

While SB 9 lot split and development costs combined mean that not all projects will pencil out, the new law does vastly expand the potential parcels for small lot developments, bringing reduced per-unit land costs vs. single family homes on large lots.



Opportunities for First-Time Homebuyers

Duplexes and other smaller SB 9 units on smaller lots will bring more affordable homes to market for starter homes and downsizing.

What is a two-unit development?

A two-unit development, or duplex, is a single building that contains two dwelling units, or two single unit dwellings on a single parcel.

Under SB 9, an urban lot split is the subdivision of an urban parcel zoned for residential use into two approximately equal parcels (50/50%, 60/40% or 45%/55%).

What is an urban lot split?

What does 'ministerial approval' mean?

A ministerial approval process is administrative in nature, based on objective standards only. Subjective, discretionary standards and reviews are not allowed as part of the approval process.

Urbanized area: a city of 50,000+ population; urban cluster: 2500+ population outside city limits.

Find your location in this federal list of urbanized areas and urban clusters, [here](#). Note that some jurisdictions may be using the newer 2020 definitions.

How is 'urban area' defined?

Development options

See table for some of the options available for properties under SB 9. Local allowances for ADUs/JADUs may vary. See page 12.

Existing property is:	Possible scenarios:	Owner occupancy
A vacant lot zoned single family	Split the lot and build a duplex on one and a single family home on the other	Affidavit of intent to occupy one of the homes for 3 years required
	Split the lot, sell one part and use the proceeds to build a single family home on the other	Affidavit of intent to occupy one of the homes for 3 years required
	Build a duplex with an ADU for each (may rent all) Note: ADU allowance on unsplit lots may vary	not required
	Split the lot and build a duplex on each	Affidavit of intent to occupy one of the homes for 3 years required
A home on a single-family zoned lot occupied by owner	Build a separate home on the lot for family or rental	not required
	Split the lot and sell the new lot	Affidavit of intent to occupy one of the homes for 3 years required
	Build an addition to the home to create a duplex	not required
	Demolish the existing home and build a duplex	Requires proof of owner occupancy or vacancy for prior three years

Development options, cont'd

Existing property is:	Possible scenarios:	Owner occupancy
A home on a single-family zoned lot that is rented out	Split the lot and build a duplex or home on the new portion	Affidavit of intent to occupy one of the homes for 3 years required
	Build an additional home on the lot and rent both to long-term tenants	not required
An owner-occupied home with an ADU	Build an additional home on the lot or convert home to duplex	not required
	Split the lot and build single home or duplex on new lot (ADU must be on portion with original home)	Affidavit of intent to occupy one of the homes for 3 years required

NOTE: SB 9 applicants are advised to thoroughly review the local adopted ordinance as an initial step, as standards, development allowances and definitions may vary. In the absence of a local ordinance, state standards apply.



Project Qualifications

Many protections were written in to SB 9 to prevent impacts on existing affordable housing, historic properties and the environment. See below for limitations that restrict which properties qualify for SB 9 projects.



Limitation	Description
Single-Family Zoned Parcels Only	<ul style="list-style-type: none"> • Applies only to zones whose primary purpose is single-family residential use--not applicable for properties zoned mixed residential, commercial, multifamily, etc, even if those zones allow residential use
Existing Affordable Rentals	<ul style="list-style-type: none"> • No demolition or major alteration of properties under rent stabilization, with affordability restrictions, or if occupied by a tenant in the prior three years • SB 9 units may be added to such properties, but if loss or reduction of amenities occurs due to development, rent could be reduced--check with local jurisdiction • Properties previously withdrawn from the rental market under the Ellis Act within 15 years do not qualify
Demolition or substantial alteration	<ul style="list-style-type: none"> • Demolition of existing dwellings or alteration beyond 25% of exterior walls requires proof that home was not rented for past three years--owner must show proof of occupancy
Historic properties	<ul style="list-style-type: none"> • 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.
Owner occupancy	<ul style="list-style-type: none"> • SB 9 lot splits require owner to sign an affidavit attesting an intention to occupy one of the units as their primary residence for a period of three years following approval
Environmental restrictions	<ul style="list-style-type: none"> • Parcels in wetlands, prime farmlands, conservation easements or protected species habitat will not qualify • Earthquake fault zones, high fire severity zones, hazardous waste sites, and flood zones: SB 9 projects may be allowed with mitigations or conditions

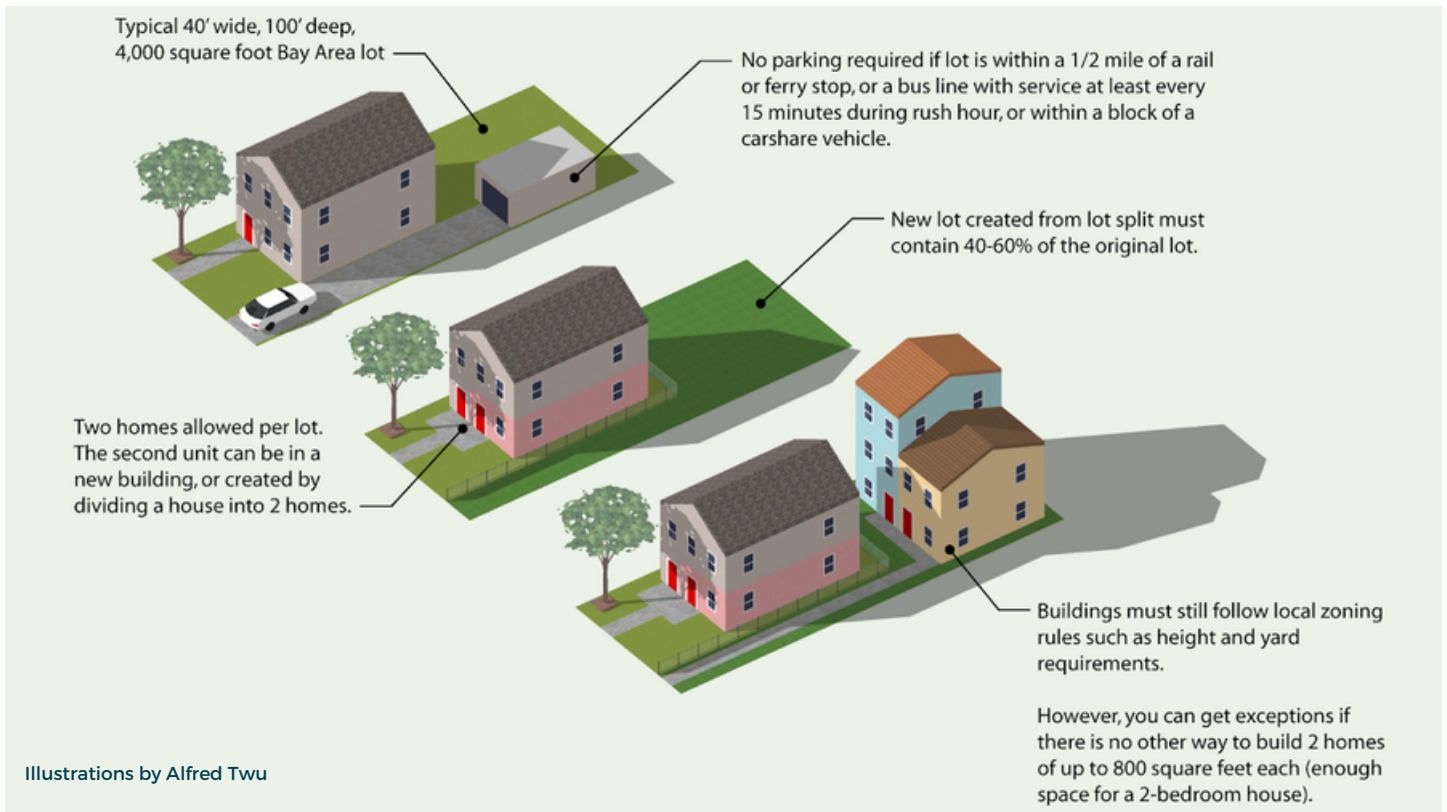
Qualifications, cont'd

Limitation	Description
Adjacent lots	<ul style="list-style-type: none">• SB 9 projects may not be developed on adjacent lots under the same ownership
One-time split	<ul style="list-style-type: none">• An urban lot may only be split once under SB 9. Note that some jurisdictions may restrict sequential use of SB 9 provisions on the same parcel, i.e. duplex, then lot split
Uses	<ul style="list-style-type: none">• Residential use only (jurisdictions may allow home-based occupations)
No short term rentals	<ul style="list-style-type: none">• Rentals shorter than 30 days not allowed in units created under SB 9
Significant impacts	<ul style="list-style-type: none">• If project will cause specific public health or safety impact. Note: this reason for rejection of project by jurisdiction imposes a high burden of proof on them
Septic systems	<ul style="list-style-type: none">• Properties on septic systems will need a perc test in last five years and possible upgrade of system before SB project work. Note that some jurisdictions disqualify properties with septic for SB 9 projects--check local rules



SB 9 projects illustrated

Typical Bay Area Lot



Typical Los Angeles Lot



Lot split with home + ADU on front lot, duplex on rear

Urban lot split qualification checklist

Lot Qualifies for Split

- Zoned single family residential (does not include zoning with single family residential uses–commercial, mixed use, etc. Primary use in zone must be single family residential)
- In urban area (see Definitions on page 2)
- Lot is 2400 square feet or more and new lot will be no smaller than 1200 sf (minimum 40% of total)
- New lot line is 10' or greater from existing home for state fire code compliance
- Owner signs affidavit of 'intent to occupy' one of the homes for 3 yrs after approval. This requirement does not apply to an applicant that is a community land trust or qualified nonprofit corporation. See Appendix B for sample affidavit

Lot Can't Be Split

- A property designated as historic or in a historic district
- Wetlands, prime farmlands, conservation easements or protected species habitat
- If project will cause specific public health or safety impact
- If directly adjacent to another lot split project by same owner or someone 'working in concert with' owner
- Lot has been split before using SB 9

Check with Local Jurisdiction—could be allowed under certain conditions or with mitigations

- Earthquake fault zone
- Fire severity zone
- Flood area
- Hazardous materials history

See Appendix A for a sample lot split checklist

Objective standards

The SB 9 approval process must be based on objective standards that involve no subjective judgment, but are numeric and fixed standards such as heights or setbacks, or design standards such as specific dimensions or materials. Subjective standards require judgement and can be interpreted in multiple ways.



Objective Standard	SB 9 protections
Development standards	<ul style="list-style-type: none">• Lot Coverage: Cities/counties may not impose lot coverage standards (FAR's--floor area ratios) that would physically preclude SB 9 units of the minimum size• Setbacks: Same as ADU law--Cities/counties may not impose side and rear setback minimums greater than 4 ft. Front setbacks that would physically preclude SB 9 units of the minimum size are not allowed. Existing structures may be rebuilt in same footprint using same setbacks. Check local ordinance for guidance on setbacks with irregular lots• Height: Variable--may have the height allowance of the underlying zoning, but may be limited to 16' or less
Subdivision standards	<ul style="list-style-type: none">• Lot depth/ width: Single family zones may have lot minimum width standards that would preclude SB 9 lot splits--if these standards preclude minimum SB projects, site-by-site adjustments will be determined
Fire code	<ul style="list-style-type: none">• Local ordinances may include fire code standards for SB 9 projects such as distance from street or fire lane or from nearest hydrant. If lot constraints prevent compliance with fire standards , they may be met with conditioning--upgraded construction, sprinklers, etc.
Design standards	<ul style="list-style-type: none">• Standards for structure elements such as roof pitch, eave projections, materials etc, must be numeric and quantifiable only--subjective terms such as 'characteristic of' or 'similar to' may not be imposed
Landscape	<ul style="list-style-type: none">• Some jurisdictions will have street tree requirements and other landscaping standards. Backyard open space standards that preclude the minimum SB 9 projects are not allowed

SB 9 or ADU?

Homeowners deciding between undertaking an SB 9 option or an ADU should note the differences in the table below. Development costs for SB 9 projects are likely to be significantly greater than for ADUs, so homeowners will need to weigh the advantages of the potential for separate sale, size of units, etc.

Decision Factor	SB 9 units	ADUs
Sell separately	Yes, if lot is split (separate sale allowed as condo or duplex in some jurisdictions without lot split)	No
Fee waivers & reductions	Full fees will likely apply	No impact fees under 750 sf, proportional fees above 750
Size & height limits	Local standards apply--variable	Local rules can set limit at 16', not enough for two stories
Where you can build	Single family residential zoned lots	Any zone with single family zoned uses, including multifamily, agriculture, commercial, etc
Utility connections	Separate connections usually required	May connect to primary home
HOAs can prohibit?	Yes	No

Local variations

Jurisdictions may interpret SB 9 language differently, define terms differently, or choose to make more more generous allowance for ADUs than state minimums. Local SB 9 ordinances must comply with state law, but until more guidance is issued or legislation refinements are passed, practitioners will have to refer to local ordinances and consult with staff to understand how these variations may impact their proposed project. The table below has a small sample of such local variations.

Question	Variations
Sell homes separately if lot is not split?	Allowed under condo or duplex rules in some jurisdictions but not all
ADU/JADU allowance if lot is not split?	At minimum, without a split, a lot may have two primary units+1 ADU+1 JADU. Check local limits--more restrictive jurisdictions are capping total units at 2, including ADUs
ADU/JADU allowance if lot is split?	Some jurisdictions are capping unit numbers at 2 per lot if lot is split--including ADUs and JADUs; others allow one state program ADU on any lot, including SB 9 split lots with a duplex; see your local jurisdiction
Vacant lot can be split?	Most jurisdictions are interpreting the intent of SB 9 to allow vacant lots to be split by owner, if affidavit of intent to occupy future unit is submitted; but at least one jurisdiction says no
Lot split easements	Agency requirements for easements for public services and facilities are variable

FAQ's

Q: Can a developer use SB9 on a vacant lot?

A: Developers can use SB9 to build 2 homes on a single family lot, but cannot use the lot split part of SB9, unless they plan to live in one of the homes. One workaround may be to leave half the yard vacant, and buy back the yard after selling the property to a homeowner.

Q: Can a developer use SB9 to buy a yard from a homeowner?

A: Yes, as long as the homeowner is planning to live on site for the next 3 years. However, the same developer cannot use SB9 to split adjacent lots.

Q: Are SB 9 projects covered by the Permit Streamlining Act?

A. Yes.

Q: What parts of local zoning does SB9 override?

A: The following:

- **Density.** Can have up to 2 homes per lot, for a total of 4 homes on 2 lots.
- **Minimum lot size.** Note that the new lot created using a SB9 lot split must contain 40-60% of the original lot. Unless local law allows otherwise, both newly created parcels must be no smaller than 1,200 square feet.
- **Parking.** None required if within 1 block of carshare, 1/2 mile of a Major Transit Stop (rail, ferry with bus or rail connection) or High Quality Transit Corridor (bus route with service of at least 1 bus every 15 minutes during peak commute hours). Elsewhere, the max parking a city can require is 1 space per unit. Renting a home driveway to a car share company is an alternative if project is distant from transit.
- **Yard requirements** and other objective zoning or design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

FAQ's

Q: The existing lot and/or building is non-conforming to zoning. Can SB9 still be used?

A: Yes. Furthermore, if you are replacing a building that has a nonconforming setback, the new building can keep the same nonconforming setback as long as it's in the same location as the old building.

Q: What are the access requirements for rear lots without street frontage?

A: A minimum pedestrian easement of 3' from the street to the rear lot.

Q: How does SB9 work with extra-large lots?

A: If a lot is large enough for a regular subdivision (for example, a 10,000 square foot lot in a zone that has a 5,000 square foot minimum lot size), you can first divide it using existing subdivision law. Then each of the lots can be SB9'd into two lots each - but only if it's done by two different owners.

Q: Are there any restrictions on the shape of the lots in a lot split?

A: Cities can require that both lots have at least one edge adjacent to the street, but other than the rule that the smaller lot has to have at least 40% of the land of the original lot, odd-shaped lots are allowed. Note that some jurisdictions have restrictions on 'flag lots' that may conflict with SB allowances.

Q: Can a mobile or manufactured home be used for any of the buildings?

A: Yes.

Q: Can off-site improvements or a dedicated right-of-way be required for an SB 9 project?

A: No. The law explicitly protects SB 9 developments from these requirements.

Q: If the home has been owner occupied or vacant for the previous 3 years, isn't it easier to demolish the existing home and build a new duplex or single home?

A: Maybe, but bear in mind that if you are demolishing your existing home, the new homes must meet current code: sprinklers, solar etc. and multiple units likely means utility upgrades.

Links & Resources

[California Department of Housing and Community Development SB 9 Fact Sheet](#)

[County of Santa Clara Detailed SB 9 Handout](#)

[County of Ventura SB 9 Page](#)

[City of Los Angeles Planning Dept. SB 9 FAQs](#)

[Homestead SB 9 Explainer](#)

[CA YIMBY SB 9 Page](#)

[Casita Coalition YouTube channel](#)

[Casita Coalition Guidance memos: Garage Conversions & ADU Finance](#)

[Holland & Knight's SB 9 page](#)

[Alfred Twu's SB 9 page](#)

[ABAG Templates for Jurisdictions SB 9](#)

[Sample floorplans for SB 9 duplexes](#)

[Terner Center study on local implementation of SB 9](#)

Questions for CA Attorney General Banta and the Housing Strike Force at the Department of Justice on SB 9 compliance:
Send to housing@doj.ca.gov

Questions for HCD on ADU interpretation: send to adu@hcd.ca.gov

Appendix A: Sample lot split checklist, City of Santa Rosa



SUBDIVISION MAP REQUIREMENTS



Tentative Maps, Tentative Parcel Maps, and Proposed Modifications to Final Maps or Final Parcel Maps must include the following information:

TITLE BLOCK	
<input type="checkbox"/> 1. Title block located in lower right-hand corner of drawing <input type="checkbox"/> 2. Assessor's parcel number(s) <input type="checkbox"/> 3. Name of project (and phase number, if applicable) <input type="checkbox"/> 4. Total number of lots <input type="checkbox"/> 5. Total project acreage (to the nearest 0.10 acre)	<input type="checkbox"/> 6. Date prepared <input type="checkbox"/> 7. Boundary description with Sonoma County document number or O.R. number <input type="checkbox"/> 8. Project street address <input type="checkbox"/> 9. Sheet number and number of sheets (if more than one sheet is required)
NOTES	
<input type="checkbox"/> 10. Present zoning <input type="checkbox"/> 11. Proposed zoning	<input type="checkbox"/> 12. Individual lot areas (smallest, largest, and average, to the nearest 100 sq. feet of 0.10 acre). <input type="checkbox"/> 13. Indicate if site is in High fire Severity Zone
GENERAL INFORMATION	
<input type="checkbox"/> 14. Key map (if more than one sheet is required) <input type="checkbox"/> 15. Location map (to be located on the first map sheet or the key map and to be oriented in the same direction as the tentative map) <input type="checkbox"/> 16. North arrow (to be upward facing, if practical) <input type="checkbox"/> 17. Scale (written and graphic) <input type="checkbox"/> 18. Sheet size 24" x 36" (if practical) <input type="checkbox"/> 19. Benchmark (preferably tied to an established City of Santa Rosa benchmark)	<input type="checkbox"/> 20. Name, address and phone number of: <input type="checkbox"/> A. Owner <input type="checkbox"/> B. Subdivider <input type="checkbox"/> C. Engineer or Surveyor <input type="checkbox"/> 21. Symbols legend <input type="checkbox"/> 22. Registered civil engineer/land surveyor stamp and signature
PLAN REVIEW	
<input type="checkbox"/> 23. Clear delineation of project boundaries (with accurate distances and bearings) <input type="checkbox"/> 24. *Subdivision unit boundaries (if phased) <input type="checkbox"/> 25. Names of adjoining subdivisions <input type="checkbox"/> 26. Names of adjoining property owners <input type="checkbox"/> 27. Proposed streets: <input type="checkbox"/> A. Names <input type="checkbox"/> B. Widths (to the nearest foot) <input type="checkbox"/> C. Approximate curve radii <input type="checkbox"/> D. Approximate grades <input type="checkbox"/> E. Clear identification of proposed ownership (public or private) <input type="checkbox"/> F. Typical Cross Sections (include private streets) <input type="checkbox"/> G. Driveways serving more than one unit <input type="checkbox"/> 28. Adjoining streets: <input type="checkbox"/> A. Names <input type="checkbox"/> B. Widths <input type="checkbox"/> C. Locations <input type="checkbox"/> 29. Existing and proposed easements (on-site and off-site): <input type="checkbox"/> A. Approximate locations <input type="checkbox"/> B. Approximate widths <input type="checkbox"/> C. Purpose and nature (public or private)	<input type="checkbox"/> 30. Approximate lot dimensions (to nearest foot) <input type="checkbox"/> 31. Lot numbers (beginning with number 1 and continuing consecutively without duplication or omission) <input type="checkbox"/> 32. Proposed or existing public and private areas (lettered parcels) <input type="checkbox"/> 33. Existing buildings, bridges, and structures: <input type="checkbox"/> A. Proposed to be retained <input type="checkbox"/> B. Proposed to be removed <input type="checkbox"/> 34. Existing public improvements <input type="checkbox"/> 35. Building setback lines for existing buildings <input type="checkbox"/> 36. Existing and proposed utilities (sewer, water, street lighting, fire hydrants, etc.) <input type="checkbox"/> A. Location <input type="checkbox"/> B. Type (examples: sewer, water, etc.) <input type="checkbox"/> C. Size of sewer and water mains (example: diameter in inches) <input type="checkbox"/> D. Rough invert elevations and slopes (for sewer lines) <input type="checkbox"/> E. Provision of a clear delineation between proposed utilities intended to be public and those intended to be private <input type="checkbox"/> 37. Proposed bridges (if applicable) <input type="checkbox"/> 38. *Existing electrical utilities (Main feeder, primary and secondary distribution, and transmission lines) labeled as to above or below ground

Appendix A: cont'd

<ul style="list-style-type: none"> <input type="checkbox"/> 39. Existing and proposed culverts and underground storm drainage: <ul style="list-style-type: none"> <input type="checkbox"/> A. Location. (Proposed storm drainage measures should direct flows to the nearest downstream facility) <input type="checkbox"/> B. Diameter of existing (in inches) <input type="checkbox"/> C. Length (approximate) <input type="checkbox"/> 40. Water courses and open drainage channels (if applicable) <ul style="list-style-type: none"> <input type="checkbox"/> A. Width (to nearest foot) <input type="checkbox"/> B. Direction of flow <input type="checkbox"/> C. Inundation areas <input type="checkbox"/> D. Existing and proposed improvements <input type="checkbox"/> 41. Existing septic systems (noted as to whether to be retained or removed) <input type="checkbox"/> 42. Existing contours (or spot elevations) sufficient to show the slope of the project and the adjoining ground for at least 100 feet beyond the project boundaries. <ul style="list-style-type: none"> <input type="checkbox"/> A. One foot intervals at 0% to 5% cross-slopes <input type="checkbox"/> B. Two foot intervals at 5% to 25% cross-slopes <input type="checkbox"/> C. Five foot intervals (maximum) at above 25% cross-slopes 	<ul style="list-style-type: none"> <input type="checkbox"/> 43. *Preliminary grading plan showing finished contours at two foot intervals on hillside terrain (flat ground-provide proposed pad elevations) <input type="checkbox"/> 44. Existing trees and brush (noted as to whether to be retained or removed) <ul style="list-style-type: none"> <input type="checkbox"/> A. Location <input type="checkbox"/> B. Trunk diameter (4" diameter and above) <input type="checkbox"/> C. Kind (common name) <input type="checkbox"/> D. Dripline <input type="checkbox"/> E. Heritage Trees <input type="checkbox"/> 45. Location and description of significant or unique natural features on the property <input type="checkbox"/> 46. Location and description of existing structures and features on adjoining properties to 100 feet <input type="checkbox"/> 47. Proposed location and typical dimensions of required parking and driveways (if applicable) <input type="checkbox"/> 48. Special Study Zone boundaries (if applicable) <input type="checkbox"/> 49. Setback from mapped faults (if applicable) <input type="checkbox"/> 50. Creek setback line based on creek cross-sections (if applicable) <input type="checkbox"/> 51. 100-year flood elevations (if applicable) <input type="checkbox"/> 52. Statement as to soils conditions (by Registered Civil Engineer) <input type="checkbox"/> 53. Existing wells (noted as to whether retained or removed)
<p>THE FOLLOWING SUPPORTING DATA IS REQUIRED IN ADDITION TO THE MAP:</p>	
<ul style="list-style-type: none"> <input type="checkbox"/> 54. Application for a modification of, or exceptions from, any City Standards or Policies specifically stating the proposed modification and the grounds for the request <input type="checkbox"/> 55. Statement of provisions for sewer and water supply and service <input type="checkbox"/> 56. Existing and projected sewage generation figures and identification of the trunk line to which the development is tributary 	<ul style="list-style-type: none"> <input type="checkbox"/> 57. Statement as to flooding <input type="checkbox"/> 58. Map showing storm drain service area (area above the project draining through it) <input type="checkbox"/> 59. Creek cross-sections with 100-year flood elevations (if applicable) <input type="checkbox"/> 60. Soils report (if grading on slopes over 10%) (2 copies) <input type="checkbox"/> 61. Cross sections through site over 10%. <input type="checkbox"/> 62. Geological report (slope stability, liquefaction and faulting as required by General Plan and per SP117) (if applicable) <input type="checkbox"/> 63. Alquist-Priolo Special Studies Report (Consult Building Division prior to preparation) when in the special studies zone

PROPERTY OWNER AFFIDAVIT

Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** An LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.
 - a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
 - b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
 - c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
 - d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

Appendix C: Overview Handout Association of Bay Area Governments

SENATE BILL 9 (SB 9): AN OVERVIEW WHAT IT IS AND HOW IT IMPACTS RESIDENTIAL LAND USE

Senate Bill 9 (SB 9) is a new California State Law taking effect **January 1, 2022**.

SB 9 changes existing limits on how many homes can be built on a lot zoned as single-family. Similar to previous state legislation on Accessory Dwelling Units (ADUs), SB 9 is intended to support the availability of more modestly priced homes by encouraging building of smaller houses on small lots.



WHAT DOES SB 9 DO?

SB 9 MAKES IT EASIER TO:

BUILD UP TO 4 HOMES
ON A PARCEL IN A SINGLE-FAMILY ZONE



SUBDIVIDE A LOT INTO TWO
THAT CAN BE SMALLER THAN REQ. MIN. SIZE

Used together, this allows **4 HOMES** where 1 was primary home was allowed before.
SB 9 makes this easier by waiving public hearings for the two actions.

WHAT CAN I DO ON MY LOT?

Add new homes to existing parcel • Divide existing house into multiple units • Divide parcel and add homes
Illustrations are based on a preliminary analysis of the law. Details are subject to change and are for informational purposes only.
See the following page for qualification details and limitations.

	VACANT LOT	LOT WITH SINGLE-FAMILY HOME	LOT WITH NONCONFORMING DUPLEX ¹	LOT WITH SINGLE-FAMILY HOME AND AN ADU
BEFORE	A1 No units	B1 1 PRIMARY UNIT	C1 2 PRIMARY UNITS	D1 1 PRIMARY UNIT + 1 ADU/JADU ²
ADD UNITS, NO LOT SPLIT	A2 Up to 2 PRIMARY UNITS + Up to 2 ADUs/JADUs ³	B2 Up to 2 PRIMARY UNITS ⁴ + Up to 2 ADUs/JADUs ³	C2 (No additional units) ⁵	D2 Up to 2 PRIMARY UNITS ⁴ + 1 ADU/JADU ³
ADD UNITS AND LOT SPLIT	A3 Up to 4 TOTAL UNITS	B3 Up to 4 TOTAL UNITS	C3 Up to 4 TOTAL UNITS	D3 Up to 4 TOTAL UNITS

If you're **NOT** splitting a lot:

- SB 9 does not limit the number of ADUs/JADUs (B2, D2) - but other laws might.

If you **ARE** splitting a lot:

- Jurisdictions **can** limit the 2 lots to 4 units total, including any ADUs/JADUs, and may choose not to permit ADUs/JADUs.



SINGLE-UNIT DEVELOPMENTS

SB 9 can be used to develop single units - but projects must comply with all SB 9 requirements.

1 Legally constructed but not currently permitted. Check your local ordinance for nonconforming use policies.
2 Junior Accessory Dwelling Units (JADUs) are small (max. 500ft²) rentable units within a single-family structure. See your jurisdiction's specifications for more details.

3 The exact number and type of ADUs/JADUs allowed should be confirmed based on project specifics.
4 Added primary unit can be new construction or a split of the existing house.
5 Check local nonconforming use rules for more information about ADUs/JADUs.

THIS DOCUMENT DOES NOT CONSTITUTE LEGAL ADVICE OR OPINIONS REGARDING SPECIFIC FACTS. FOR MORE INFORMATION ABOUT SB 9, PLEASE CONTACT YOUR OWN LEGAL COUNSEL.

Appendix B: overview cont'd

DOES MY LOT QUALIFY?

REFERENCE ANY QUALIFICATION MATERIALS FROM YOUR JURISDICTION FOR MORE SPECIFICS.

2-UNIT DEVELOPMENTS & LOT SPLITS

- Located in a **SINGLE-FAMILY RESIDENTIAL ZONE**
- Located in an **URBANIZED AREA** or **URBAN CLUSTER**, as defined by the U.S. Census Bureau (*essentially, an area with at least 2,500 people*)⁶
- Not in a state/local **HISTORIC DISTRICT** / not an **HISTORIC LANDMARK**

Lots in these areas may not be eligible or may need to meet additional qualifications:⁷

- **PRIME FARMLAND** or farmland of statewide importance
- **WETLANDS**
- Identified for **CONSERVATION** or **UNDER CONSERVATION EASEMENT**
- **HABITAT** for protected species
- Within a **VERY HIGH FIRE HAZARD SAFETY ZONE**
- A **HAZARDOUS WASTE SITE**
- Within a delineated **EARTHQUAKE FAULT ZONE**
- Within a **100-YEAR FLOODPLAIN OR FLOODWAY**

The project cannot alter or demolish:

- Deed-restricted **AFFORDABLE HOUSING**
- **RENT-CONTROLLED HOUSING**
- Housing on parcels with an **ELLIS ACT EVICTION** in the last 15 yrs.
- Housing **OCCUPIED BY A TENANT** currently or in the last 3 yrs.



ADDTL. QUALIFICATIONS 2-UNIT DEVELOPMENTS

- Project **DOES NOT REMOVE MORE THAN 25% OF EXTERIOR WALLS** on a site that has a tenant or has had a tenant in the last 3 yrs. (*even if the rental unit itself isn't altered*)

ADDTL. QUALIFICATIONS LOT SPLITS

- **LOT IS SPLIT ROUGHLY IN HALF** - smaller lot is at least 40% of the original lot⁸
- Each new lot is **AT LEAST 1,200FT²**⁹ (*This means the original lot must be at least 2,400ft² for a 50/50 split; 3,000ft² if a 60/40 split.*)
- Lot is **NOT ADJACENT TO ANOTHER LOT SUBDIVIDED** by you (or done in concert with you) using SB 9
- Lot was **NOT CREATED BY A PREVIOUS SB 9 SPLIT**

ADDITIONAL LIMITATIONS ON SB 9 PROJECTS

CONTACT YOUR LOCAL JURISDICTION FOR ADDITIONAL DETAILS ON SB 9 PROJECT LIMITATIONS.

2-UNIT DEVELOPMENTS & LOT SPLITS

- **PARKING:** Your jurisdiction cannot require more than one off-street parking space per unit, and cannot require any parking spaces if the parcel is close to transit (as defined in the law)
- **NO SHORT-TERM RENTAL:** Units created by SB 9 cannot be used for short-term rentals (less than 30 days)
- **HOAS:** SB 9 does not change rules or restrictions put in place by homeowners' associations.
- **LOCAL STANDARDS:** Jurisdictions may set zoning, subdivision, and design standards for SB 9 projects, but they must be objective and they cannot preclude two units of at least 800ft² on each lot.
- **PUBLIC HEALTH AND SAFETY:** Your project can be denied if it creates a "specific, adverse impact on public health and safety."¹⁰

ADDTL. LIMITATIONS 2-UNIT DEVELOPMENTS

- You may be required to do a **PERCOLATION TEST** if you have on-site wastewater treatment

ADDTL. LIMITATIONS LOT SPLITS

- The project is limited to **RESIDENTIAL USES ONLY**
- **OWNER-OCCUPANCY:** Applicant must sign an affidavit saying they intend to live in one of the units for 3+ years after approval
- Your jurisdiction cannot require **CORRECTION OF NONCONFORMING ZONING CONDITIONS**
- Your jurisdiction may require **EASEMENTS FOR PUBLIC SERVICES AND FACILITIES** and/or to have access to the public right-of-way

WHAT DOES THE PROCESS LOOK LIKE?



STEP 1 Applicant submits SB 9 application to local jurisdiction.



STEP 2 Local jurisdiction determines whether application is complete within 30 days of submittal.



STEP 3 Once application is complete, local staff reviews the application and determines whether to approve and conditions of approval.

⁶ Urbanized areas/urban cluster maps are on the U.S. Census Bureau website.

⁷ As defined in Government Code § 65913.4(a)(6)(B)-(K).

⁸ Each new lot can be smaller than required min. lot size per local zoning.

⁹ This number may be lowered by local ordinance.

¹⁰ Must be determined in writing by a building official, based on inconsistency with objective standards and without feasible mitigation measures.

Acknowledgments

With thanks to the Casita Coalition members and other industry professionals who contributed to or reviewed this guide:

Kevin Ashe, Holland & Knight

Muhammad Alameldin, UC Berkeley Turner Center for Housing Innovation
Association of Bay Area Governments

Alfred Twu

Isaac Schneider & Maxmarie Wilmoth, Homestead

Steven Dietz, United Dwelling

And with deep gratitude for our major sponsors and funders:



We invite you to [donate](#) or [become a member](#) and add your voice for a more inclusive, resilient California. Join or donate at casitacoalition.org

ADU Resources for Homeowners & ADU Professionals

Guidebooks
Webinars
ADU Homeowner Fairs
Industry Mixers
ADU Gallery

*Join us or donate--add
your voice!*

casitacoalition.org

