



CALIFORNIA SENATE BILL 9 FREQUENTLY ASKED QUESTIONS (FAQS)

What does California Senate Bill 9 do?

[California Senate Bill 9](#) (California Housing Opportunity and More Efficiency [HOME] Act) (SB-9), effective January 1, 2022, mandates a local jurisdiction, such as Sacramento County, to ministerially approve two types of projects, if specific objective criteria are met. The two types of projects are:

1. A subdivision of one lot into two resultant lots in a single-family residential zone (referred to as an **Urban Lot Split**); and
2. A **Second Residential Unit** in a single-family residential zone.

“Ministerial” means a project must be approved if it complies with objective standards, without any subjective judgement from planners. Ministerial projects are not subject to environmental review or public hearings. An example of a ministerial act is the issuance of a building permit.

The California Department of Housing and Community Development (HCD) is expected to provide guidance related to SB-9 in 2022 which may result in changes to the County’s implementation of **Urban Lot Split** and **Second Dwelling Unit** projects described below. Should there be changes, this FAQ sheet will be updated to reflect HCD guidance.

What are the criteria to qualify for a project under SB-9 in unincorporated Sacramento County?

First, the property must be located within the jurisdiction of unincorporated Sacramento County. Verify this by entering a property’s address or Assessor’s Parcel Number (APN) into [Online Map Viewer](#). If a property is located within jurisdiction information provided in the Property Information section will state “Unincorporated Area of Sacramento County.”

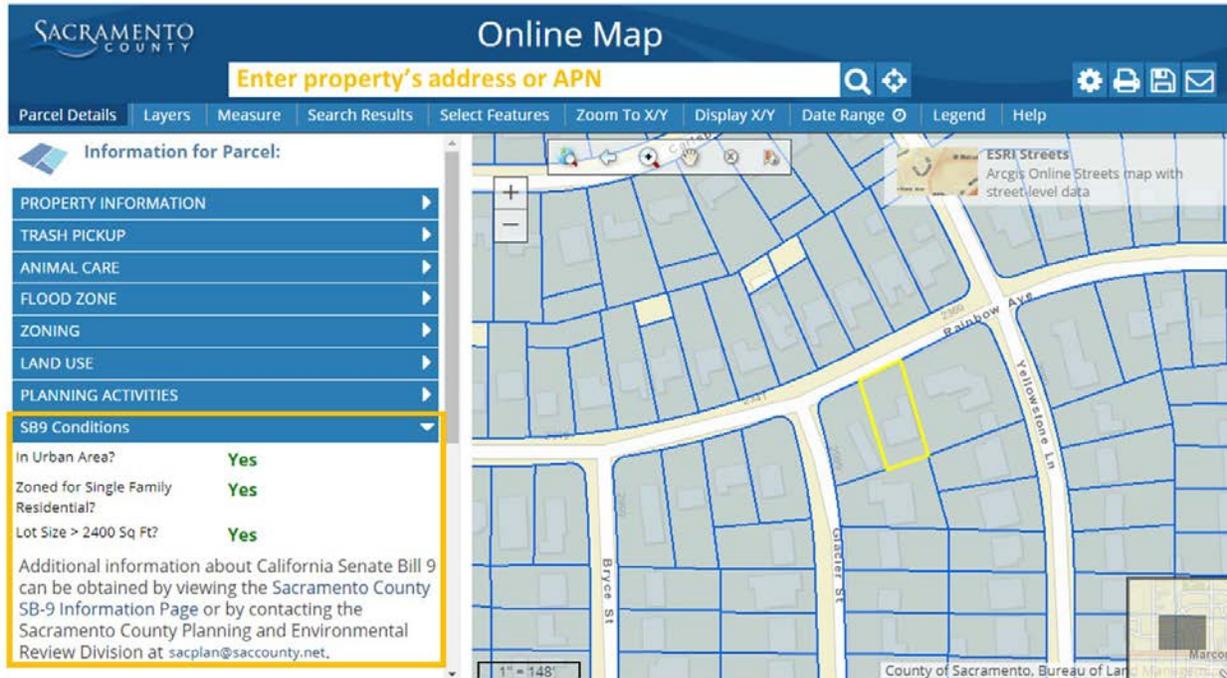
Secondly, in order to be eligible for an **Urban Lot Split** or a **Second Residential Unit** project under SB-9, the following criteria must be met:

- Property is located within a single-family residential zone (i.e., Residential 1 [RD-1] through Residential 10 [RD-10]);
- Property is a legal parcel located wholly within a U.S. Census Bureau designated urbanized area or urban cluster;
- Property does not contain or is located within areas designated as prime farmland or farmland of Statewide importance, wetlands, high or very high fire hazard severity zones, hazardous waste site, floodplains or floodways, conservation in an adopted natural community conservation plan, habitat for protected species, or under a conservation easement.
- Project would not require the demolition or alteration of affordable housing, rent-controlled housing, housing withdrawn from the rental market in the last 15 years, or housing occupied by a tenant¹ within the last 3 years;

¹ If unit was occupied by a tenant within the last 3 years, no more than 25 percent demolition is allowed of the exterior walls.

- Property is not located within historic district or included on the State Historic Resources Inventory or within a County-designated landmark or historic property.

You can check if a property meets the first two criteria (located within a single-family residential zone and U.S. Census Bureau designated urbanized area or urban cluster) listed above in [Online Map Viewer](#). After entering a property's address or APN, look to the information provided under the "SB9 Conditions" heading in the Parcel Details tab; see screenshot below.



What if my property is located in a Special Planning Area (SPA), Neighborhood Preservation Area (NPA), Specific Plan, or other land use plans?

Generally, SPAs/NPAs and Specific Plans identify a single-family residential or comparable zone. However, in certain SPAs/NPAs and Specific Plans, a single-family residential zoning designation or comparable zone may not exist. In these circumstances, the Planning Director may make a determination regarding whether a certain zoning designation would be eligible for processing a project under SB-9. Considerations for this determination include the characteristics, intensity, and compatibility of the property in comparison to those of the single-family residential zones.

Email us at sacplan@saccounty.net to verify a property's zoning designation and whether the designation qualifies as a single-family residential zone.

Does the California Environmental Quality Act (CEQA) apply to projects under SB-9?

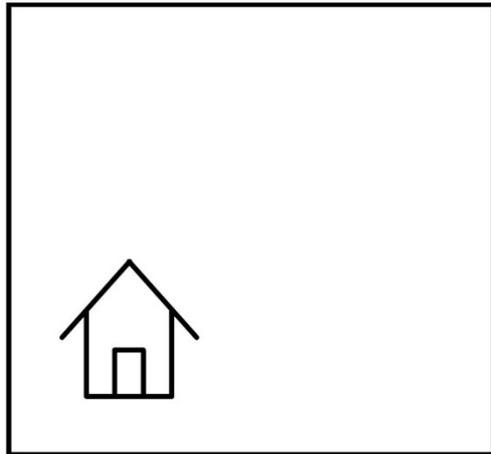
No, CEQA does not apply to SB-9 projects (i.e., [Urban Lot Split](#) and [Second Residential Unit](#)).

What if native tree removal is proposed for a project under SB-9?

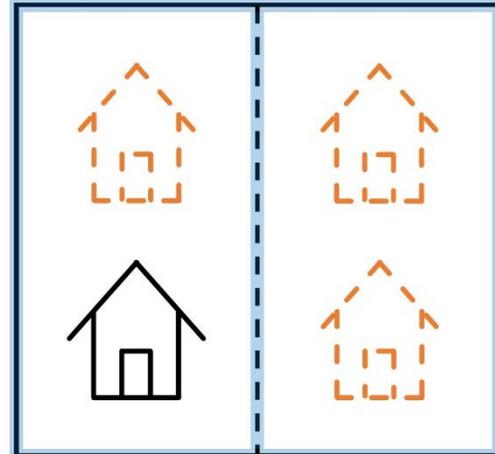
Native tree removal proposed as part of a project under SB-9 would make the project ineligible for ministerial processing.

Can I pursue both an Urban Lot Split and Second Dwelling Unit on my property?

If the property meets SB-9 criteria, both an **Urban Lot Split** and a **Second Dwelling Unit** may be pursued. For instance, a property may be subdivided via an **Urban Lot Split** resulting in two resultant lots. Subsequently, a primary dwelling and **Second Dwelling Unit** may be constructed on each resultant lot. This would result in a total of four dwelling units on the original property. The diagram below illustrates how a property may be developed with both an **Urban Lot Split** and a **Second Dwelling Unit** projects.



Existing property



Property with **Urban Lot Split** (shown in blue) and additional dwelling units (shown in orange)

Concurrent processing or development/construction of an **Urban Lot Split** and related **Second Dwelling Unit** is not required. The construction of a primary dwelling unit and **Second Dwelling Unit** may be pursued for a resultant lot created by an **Urban Lot Split** at a future date. Note that an applicant must occupy one of the housing units created by an **Urban Lot Split** as their principal residence for a minimum of 3 years (see *Are there use restrictions for an Urban Lot Split property?* below).

What is considered a “dwelling unit?”

Pursuant to SB-9, dwelling units include primary dwellings, accessory dwelling units (ADUs), junior ADUs (JADUs), and **Second Dwelling Units**. A property meeting the criteria of SB-9 can be developed with up to two dwelling units. This will typically include one primary dwelling, and one ADU, JADU, or **Second Dwelling Unit**. As such, if a property is developed with a primary dwelling and an ADU, no additional dwelling units can be added to the property under the provisions of SB 9 unless an **Urban Lot Split** is approved creating two resultant lots (see diagram provided above).

What is an Urban Lot Split?

An **Urban Lot Split** is a project proposing to divide a property, of at least 2,400 gross square feet in size, into two resultant lots of roughly equal size and each resultant lot of no smaller than 1,200 net square feet in size. Roughly equal in size means the proportionality of resultant lots would vary no more than a 60:40 ratio (i.e., one of the resultant lots would not be smaller than 40 percent of the area of the subdivided property).

What are the lot standards and other requirements for an Urban Lot Split?

In addition to the SB-9 eligible criteria, the following lot standards must be met for an **Urban Lot Split**:

- The **Urban Lot Split** will result in no more than two resultant lots;
- Each resultant lot must be at least 1,200 net square feet in size; and
- The proportionality of the resultant lots would vary not more than a 60:40 ratio (i.e., one of the resultant lots would not be smaller than 40 percent of the area of the subdivided property).

Additionally, a property that has previously undergone an **Urban Lot Split** cannot be the subject of a subsequent **Urban Lot Split**. The property owner or any listed applicant for an **Urban Lot Split** cannot own any adjacent parcel.

What are the development standards for dwelling units on a resultant lot created by an Urban Lot Split?

A new primary dwelling on a resultant lot created by an **Urban Lot Split** would be subject to objective development standards identified for attached and detached single-family residential project provided in [Table 5.7.B](#) of the Zoning Code, with the exception of the minimum interior side and rear yard setbacks which SB-9 stipulates shall not be greater than 4 feet. In summary, the minimum yard setbacks for a new primary dwelling (new structure, not reconstructed) on a resultant lot created by an **Urban Lot Split** are as follows:

- Front yard: 20 feet without public utilities public facilities (PUPF) easement / 24 feet with PUPF easement;
- Side street yard: 12.5 feet without PUPF easement / 16.5 feet with PUPF easement; and
- Interior side and rear yards: 4 feet.²

Note all other applicable development standards (i.e., maximum building height, minimum building width) identified in [Table 5.7.B](#) of the Zoning Code remain applicable to a new primary dwelling on a resultant lot created by an **Urban Lot Split**. A property located within an SPA/NPA or Specific Plan may be subject to different front and side street yard setbacks and other development standards for a new primary dwelling on a resultant lot created by an **Urban Lot Split**.

No setbacks are required of existing structures or structures rebuilt in the same location with the same footprint. Development standards applicable to a **Second Dwelling Unit** on a resultant lot created by an **Urban Lot Split** are provided below in *What are the development standards for a Second Dwelling Unit?*

What if a project cannot comply with the standards for an Urban Lot Split?

All applicable standards identified for an **Urban Lot Split** must be met in order to qualify for the ministerial process stipulated by SB-9. Deviations cannot be requested with an **Urban Lot Split**.

How do I apply for an Urban Lot Split within unincorporated Sacramento County?

The **Urban Lot Split application** is available on PER's Application Forms webpage. Note:

- If any of the questions in Part C of the application are responded to with a "NO," then the property does not meet SB-9 criteria.
- If any of the questions in Part D of the application are responded to with a "NO," the project does

² Note that setbacks less than five feet from a property line or other structures may require fire walls and/or restrictions on non-protected openings as determined by the fire protection district with jurisdiction and County Building Permits and Inspection (BPI). For more information, visit BPI's [webpage](#).

not meet the parameters of the **Urban Lot Split** requirement and the request will be denied.

- Part E of the application lists the project materials required to accompany an application submittal.
- PER may request supporting documentation or supplemental information in order to determine a property's/project's eligibility and compliance with the requirements of SB-9 and an **Urban Lot Split**.

PER is currently accepting applications via email and in-person; instructions on how to submit an application and project materials is provided at PER's [Application Forms](#) webpage. After receipt and initial processing of a completed application, PER will send an invoice for the accompanying **Urban Lot Split** fee and payment instructions.

What is the fee for an Urban Lot Split?

The fee associated with an **Urban Lot Split** is \$11,970 and is non-refundable once paid.

What is the process for the Urban Lot Split?

After the accompanying **Urban Lot Split** fee has been paid, the project will be assigned a Project Manager. The Project Manager will distributed the project to County departments and agencies for review and imposition of applicable conditions. The project will also be discussed and reviewed at the Project Review Committee (PRC); however, as this is not a required meeting of the **Urban Lot Split** process, no accompanying legal noticing is required and an applicant's attendance is encourage, but not required. There are no required meetings or hearing associated with an **Urban Lot Split**.

The Planning Director is the decision body for an **Urban Lot Split** application. If it is determined that an **Urban Lot Split** application meets all requisite criteria, written approval including conditions applicable to the project will be provided to the applicant. It is estimated that the processing time for an **Urban Lot Split** may range between 3 to 6 months, with this timeframe highly dependent on an applicant's responsiveness to PER's requests. Refer to the [Zoning Code User Guide](#) for additional information pertaining to the **Urban Lot Split** process.

What is the public notification process for an Urban Lot Split?

At the time an **Urban Lot Split** application is received, the Community Planning Advisory Council (CPAC) for which the property is located in will be notified of the application. Additionally, all property owners and tenants within 500 feet of the subject property for an **Urban Lot Split** will also be notified of the application. The application and project materials will be available for viewing at [Planning Projects Viewer](#) utilizing the assigned Planning Control Number.

What conditions can be placed on an Urban Lot Split?

Pursuant to SB-9, a local agency cannot impose regulations requiring the dedication of rights-of-way or the construction of off-site improvements for **Urban Lot Splits**. A local agency can place the following types of conditions on an **Urban Lot Split**:

- Easements required for the provisions of public services and facilities;
- Requirement that the property has or provides access to or adjoins the public right-of-way;

- One required off-street parking space per unit.³

Are there use restrictions for an Urban Lot Split property?

Uses on resultant lots created through an **Urban Lot Split** are limited to residential uses only. In fact, the **Urban Lot Split application** requires the submittal of a signed affidavit stating that the applicant intends to occupy one of the housing units created by an **Urban Lot Split** as their principal residence for a minimum of 3 years.

After that, can a dwelling unit created by an Urban Lot Split be used for Short Term Rentals (i.e., AirBnB)?

No, dwelling units created by an **Urban Lot Split** cannot be used for short-term rentals. Rentals must be for at least 30 days.

Can an Urban Lot Split application be denied?

If an application is submitted, and it is determined the property/project is not eligible or in compliance with the requirements of SB-9 or an **Urban Lot Split**, PER will deny the request and fees paid are non-refundable. Additionally, per SB-9, a local agency may deny an **Urban Lot Split** if the Building Official finds that the project would have a specific, adverse impact on public health/safety or the physical environment and there is no feasible method to mitigate/avoid the impact.

A denial of an **Urban Lot Split** may be appealed by the applicant to the County Planning Commission, acting as the Board of Zoning Appeals (appeal body). As **Urban Lot Splits** are a ministerial action, members of the public do not have standing to qualify for an appeal of an **Urban Lot Split** decision.

How long does an Urban Lot Split approval last?

An **Urban Lot Split** approval expires 48 months after the date of approval, unless extended by actions identified in California Government Code Section 66452.6.

What is a Second Dwelling Unit?

A property meeting the criteria of SB-9 may develop a **Second Dwelling Unit** on the property. Per SB-9, dwelling units include primary dwellings, ADUs, JADUs, and **Second Dwelling Units**.

A **Second Dwelling Unit** may be attached or detached, and may involve new construction or the conversion of existing space/structure. As noted in *What are the development standards for a Second Dwelling Unit?*, the development standards for ADUs/JADUs will apply to **Second Dwelling Units** developed pursuant to SB 9 in the County.

What are the development standards for a Second Dwelling Unit?

A **Second Dwelling Unit** would be subject to objective development standards identified for ADU/JADUs provided in [Table 5.11](#) of the Zoning Code. The development standards provided in the referenced table note where standards are applicable to new construction (attached and detached) and conversion of an existing space/structure. No setbacks are required of existing structures or structures rebuilt in the same location with the same footprint. There are no minimum separation distance between structures on a property, except where required by California Building and Fire Codes.

³ Parking requirement not required if property is located within 0.5-mile walking distance from a high-quality transit corridor or major transit stop, or there is a car share vehicle located within one block of the property.

What if a project cannot comply with the standards for a Second Dwelling Unit?

All applicable development standards identified for a **Second Dwelling Unit** must be met in order to qualify for the ministerial process stipulated by SB-9. Deviations may be requested; however, the granting of a deviation is discretionary decision and would disqualify a project from the ministerial process.

What is the difference between a Second Dwelling Unit and ADU/JADU?

Pursuant to SB-9, both ADUs/JADUs and **Second Dwelling Units** are considered dwelling units. In the County, because the same development standards that apply to ADUs/JADUs would be applicable to **Second Dwelling Units**, there is no physical difference between an ADU/JADU and **Second Dwelling Unit**. However, there may be nuances between the two (beyond the physical) that may matter to a property owner or applicant.

What if my property is not eligible for a Second Dwelling Unit under SB-9 – can I still construct a dwelling unit in addition to a primary dwelling unit?

Yes, if your property is not eligible for a **Second Dwelling Unit** under SB-9, you can still construct a dwelling unit (in the form of an ADU/JADU) in addition to the primary dwelling unit on your property. For more information on ADUs/JADUs, refer to the [Accessory Dwelling Unit and Junior Accessory Dwelling Unit Standards](#) handout.