

Standard	SB 9 Provision
Permitted Use	<ul style="list-style-type: none"> • Allows a housing development containing no more than two residential units within a single-family residential (R1) zone. • Allows the construction of two new units on a vacant parcel or the addition of a unit to an existing parcel in an R1 zone. • Limits the uses allowed on a lot created by SB 9 to residential uses.
Processing	<ul style="list-style-type: none"> • Processing shall be considered ministerially, without discretionary review or a hearing. • The City may adopt an ordinance to implement the provisions of SB 9, e.g., the proposed Urgency Ordinance. The ordinance is exempt from CEQA.
Exceptions	<p>In simplified terms, lot split and second unit development applications may be denied when properties are:</p> <ul style="list-style-type: none"> • On prime farmland or farmland of statewide importance. • On wetlands. • Within a very high fire hazard severity zone, which exist in the City. • On a hazardous waste site. • Within a delineated earthquake fault zone. • Within a special flood hazard area. • Under conservation easement. • Involve demolition or alteration of 1) any rent restricted affordable units, 2) rent controlled units, or 3) any housing that has been occupied by a tenant in the last three years. • On property that has utilized the Ellis Act (a law allowing property owners to go out of the rental business) within 15 years before the date of application. • Involve demolishing more than 25% of the existing exterior structural walls unless allowed otherwise by the City or the site has been vacant for the last 3 years. • In a historic district, included on the State Historic Resources Inventory, or listed as a City landmark. Under this exception, SB 9 projects are ineligible in Old Town and Eichler Districts.
Standards, Number and Size	<ul style="list-style-type: none"> • Only objective zoning and design review standards may be applied. • A maximum of two units are allowed per parcel. Each unit must be allowed to be at least 800 square feet.
Setbacks	<ul style="list-style-type: none"> • No setback may be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. • A four-foot setback may be required for side and rear lot lines.
Parking	<ul style="list-style-type: none"> • If located on parcels within ½ mile walking distance of either a high-quality transit corridor, or a major transit stop, or 1 block from a car share vehicle, no parking spaces are required. Otherwise, a maximum of one space per unit is required.

Sewer	<ul style="list-style-type: none"> MA percolation test completed within the last five years or recertified in the last ten years may be required.
Denial Findings	<ul style="list-style-type: none"> In addition to the exceptions listed above, an application for a lot split or a second unit may be denied only if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed lot split or housing development project would have a specific, adverse impact, as defined, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
No Short Term Rentals	<ul style="list-style-type: none"> If the proposed new dwelling is a rental unit, it must be rented for a term longer than 30 days.
Accessory Dwelling Units	<ul style="list-style-type: none"> City is not required to permit an ADU or JADU in addition to a second dwelling unit on lots created under SB 9. The City Attorney's Office has opined that the City may deny a parcel map or additional dwelling units pursuant to SB 9 for any properties with an existing ADU or JADU if it would result in more than two dwelling units on the lot. ADUs and JADUs are considered dwelling units for SB 9 purposes.
Zero Lot Line Development	<ul style="list-style-type: none"> An application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
Reporting	<ul style="list-style-type: none"> City must report lots split and units constructed pursuant to SB 9 to HCD in annual housing element report.
Parcel Map	<ul style="list-style-type: none"> A parcel map shall be ministerially processed for an urban lot split. The parcel map/lot split must be in an R1 zone. The parcel in question may not have been established through prior exercise of an urban lot split as provided in SB 9.
Number of Parcel Maps	<ul style="list-style-type: none"> A single owner (or a person acting in concert with the owner) may not subdivide adjacent parcels in an SB 9 an urban lot split. A lot split may only be approved if it conforms to all applicable objective requirements of the Subdivision Map Act, unless otherwise specified in SB 9.
Lot Size	<ul style="list-style-type: none"> Split parcels shall be of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. Both newly created parcels shall be no smaller than 1,200 square feet.
Dedications	<ul style="list-style-type: none"> The City may not require dedications of rights-of-way or the construction of off-site improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split.
Conditions	<p>The following conditions may be required:</p> <ul style="list-style-type: none"> Easements for public safety services and facilities.

	<ul style="list-style-type: none"> • Parcels must have access to, provide access to, or adjoin the public right-of-way. • Off-street parking of up to one space per unit with exceptions as stated above. • Limited to residential uses.
Owner Occupancy	<ul style="list-style-type: none"> • For an urban lot split, an affidavit must be signed by the applicant stating their intention 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. • The above does not apply to community land trusts or qualified nonprofit corporations as defined in SB 9. • No additional owner occupancy standards may be applied.
Nonconformities	<ul style="list-style-type: none"> • The City may not require the correction of nonconforming zoning conditions as a condition for ministerial approval of a parcel map for an urban lot split.