

Frequently Asked Questions for Senate Bill No. 9:

Ministerial Housing Approval and Urban Lot Splits Allowing Two Lots/Four Units Total within Single-Unit Residential Zones without Discretionary Review or Hearing

With the passage of Senate Bill No. 9 (SB 9), all local agencies must ministerially approve two residential units on a parcel within a single-unit residential zone if the development meets specific objective criteria. The bill also requires ministerial review for subdividing one lot into two lots within a single-unit residential zone and permitting up to two units on each parcel (four total dwelling units on what was formerly a single-unit lot) if the development complies with specific objective criteria.

What is the purpose of this legislation?

Many cities in California have limited housing options. Neighborhoods are commonly zoned for single-unit homes, the most expensive housing type to own or rent. This legislation was passed to provide more housing supply by requiring jurisdictions to ministerially process additional units on lots within those lower-density areas.

Does state law require the City of Sacramento to comply with SB 9?

Yes, the bill imposes a state-mandated set of regulations which apply to all cities, including charter cities. Given the housing crisis in the State of California, this law overrides the local city codes related to land use and density. The city code cannot preclude the construction of two units per lot, each 800 square feet minimum in floor area.

When does the new law go into effect?

This legislation is effective on January 1, 2022. It is anticipated that City Council will adopt an interim emergency ordinance in December 2021 to be effective on January 1, 2022.

What is the duration of this interim emergency ordinance?

Staff aims to bring forward a final SB 9 ordinance by January 1, 2023. This will allow time to continue community outreach with neighborhood associations and other stakeholders, while making improvements to the final ordinance based on outreach, new State guidance, and lessons learned from implementing the interim emergency ordinance.

Where will SB 9 apply in the City of Sacramento?

The new law applies to the single-family residential zones only. In the City of Sacramento, this includes the Rural Estates Zone (RE) and the Single-Unit Dwelling Zone (R-1).

There are also certain criteria to be eligible to use this ministerial process, including:

- *The site cannot be located on farmland, wetlands, high fire zones, hazardous waste sites, earthquake faults, flood areas, or conservation land.*
- *The proposal cannot include demolition of existing housing units that are: rent restricted*

for moderate, low, or very low income; rent-controlled by a public entity; or occupied by a tenant in the last three years.

- *The site cannot be located in a historic district or on a property which is developed with a historic landmark.*

What is allowed in my single-family neighborhood now?

The Single Unit Dwelling (R-1) Zone allows one primary dwelling unit per parcel except in cases where a duplex is allowed on corner lots or through lots greater than 125 feet in depth. Additionally, up to two accessory dwelling units (ADU) are allowed in the R-1 zone for a total of 3 - 4 units maximum. The Rural Estates (RE) Zone currently allows only one primary dwelling unit per parcel. Additionally, up to two ADUs are allowed in the RE zone for a total of 3 units maximum.

How many units will be permitted on the lots after the law goes into effect?

Under SB 9, both the RE and R-1 Zones would be allowed to have two units on the parcel if there is no requested lot split. If a lot split is also approved, there would be a maximum of four units (two per parcel) resulting from the original parcel. If an applicant utilizes the provisions of SB 9, the city is not required to allow additional ADUs or Junior ADUs (JADUs).

Will these projects require a public hearing for approval?

No. This legislation requires a ministerial review process which is an administrative process not involving public hearings and where a project would be subject to objective criteria on a pass/fail basis only.

How does Senate Bill No. 9 relate to the City's 2040 GP Key Strategy of Permitting a Greater Array of Housing types?

Both SB 9 and the City's 2040 General Plan Key Strategy of Permitting a Greater Array of Housing Types in Single-Unit Neighborhoods are aimed at increasing housing choice and providing housing options that are lower-cost by design.

SB 9 will become effective January 1, 2022, while the City's 2040 General Plan Key Strategy will undergo a year-long process of community engagement and technical analysis before implementation occurs. This analysis will account for SB 9 and the City's current ADU Ordinance provisions. Please view the [FAQs](#) on the City's Key Strategy of Permitting a Greater Array of Housing Types for more information.

What standards can be applied by the city to the ministerial lot split?

There are certain criteria to be eligible to use this ministerial process to subdivide one lot into two lots, including:

- *Each new lot must be at least 1,200 square feet*
- *The split results in new lots of approximately equal size (60/40 minimum proportionality)*
- *The original lot was not established with a prior SB 9 lot split*
- *The applicant will be required to sign an affidavit stating they intend to occupy one of the units as their principal residence for a minimum of three years.*
- *The city could require easements for public services and utilities and a requirement for access*

to the public right-of-way, but not dedications or offsite improvement conditions.

- *A maximum of 4 feet can be required for setbacks of new structures from the interior side or rear but no setbacks may be required for existing structures or structures rebuilt in the same location with same footprint.*

Can units created by the provisions of SB 9 be used for short-term rentals or other nonresidential uses?

No. Any rental unit created pursuant to SB 9 cannot be used as a short-term rental and must be rented for a term longer than 30 days. Units cannot be used for purposes other than residential.

What about parking?

The city will require one off-street parking space per unit, unless the parcel is located within a ½ mile walking distance of a major transit stop or high-quality transit corridor, or if the parcel is located within one block of a car share vehicle.

What about tree removals?

No private protected tree, as defined in section 12.56.020, may be removed unless: (i) leaving the tree in place would have the effect of physically precluding the construction of up to two dwelling units; (ii) leaving the tree in place would physically preclude either of the two dwelling units from being at least 800 square feet; or (iii) removal is authorized by a tree permit under section 12.56.050.

What is the lot coverage?

The maximum lot coverage of the R-1 and RE Zones is 40%. As required by SB 9, units that are 800 square feet or less will be exempt from lot coverage.

What is the maximum height?

The maximum height in the R-1 and RE zone is 35-feet. The City's bulk control standards will also apply to projects. The City's bulk control standards can be found in the Citywide Single-Unit Dwelling and Duplex Dwelling Design Guidelines: [Citywide-Single-Unit-Dwelling-and-Duplex-Dwelling-Design-Guidelines.pdf](https://www.cityofsacramento.org/files/2020/09/Citywide-Single-Unit-Dwelling-and-Duplex-Dwelling-Design-Guidelines.pdf) ([cityofsacramento.org](https://www.cityofsacramento.org))

What about privacy to adjacent neighbors?

Units created under SB 9 are required to have at least a 4-foot rear- and interior side-yard setback. The emergency ordinance also requires that any balcony, deck, or open-stair landing above 3-feet must be at least 10-feet from the rear or side property line, unless the rear or side property line abuts an alley, street, or a nonresidential use.

What are the design standards for the new dwelling units?

New dwelling units constructed under SB 9 will be required to meet the Citywide Infill Housing Design Standards: [Citywide-Infill-Housing-Design-Standards-092020.pdf](https://www.cityofsacramento.org/files/2020/09/Citywide-Infill-Housing-Design-Standards-092020.pdf) ([cityofsacramento.org](https://www.cityofsacramento.org)) This document provides objective design criteria.

Additionally, all new single-unit and duplex dwelling units will be subject to bulk control standards that are currently being applied in our standard site plan and design review process. These standards require a

building envelope (shaped like a tent with 45-degree planes) between the front-yard, side-yard, and rear-yard setbacks of a lot.

How do I know if my lot is eligible for the provisions under Senate Bill No. 9?

You can verify your zoning by using the online tool at the following link: [Land Information Lookup App \(arcgis.com\)](#) Land must be zoned Rural Estates (RE) or Single-Unit Dwelling (R-1) to be eligible. For more information, you can also email questions to planning staff at planning@cityofsacramento.org

How do I file an application?

The application will be available online after January 1, 2022 at the following link: [Planning Forms - City of Sacramento](#). Completed applications must be submitted online through the citizen permit portal. More information about online submittal may be found here: [Accela Citizen Access](#)

What fees apply?

A SB 9 permit fee schedule is expected to be provided by March 2022. Applications received before new fees are established will be billed at Planning staff's hourly rate (\$168/hour). Building permit fees and development impact fees for schools, parks, etc., will continue to be charged accordingly.

What is the public notification process?

All SB 9 applications will be routed to neighborhood associations within 500 feet of the project site. The physical project site will also be posted with an early notice sign that includes project information. Each project application and plans will be visible in the new Agency Counter online permit tracking tool.

What if there are deviations to development standards (i.e. setbacks, height, lot coverage) on SB 9 applications?

A deviation is a discretionary decision that cannot be completed ministerially through a pass or fail checklist. SB 9 applications are required to be ministerial and therefore cannot request deviations. SB 9 projects must fully comply with all the applicable development standards.

Do you have to build two units immediately after completing the urban lot split?

The SB 9 legislation does not include a requirement to construct one or two units concurrently or immediately after completing the urban lot split.

Does the property have to be owned free and clear (no loans) before applying for a SB 9 lot split?

No. Nothing in the SB 9 legislation mentions property must be fully owned free and clear with no mortgage loans. It is the property owner's responsibility to coordinate with their bank or lender before applying for an SB 9 application.

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