

Frequently Asked Questions for Senate Bill No. 9:

Duplex Development 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 emergency ordinance in December 2021 to be consistent with this new legislation prior to the effective date.

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 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 accessory dwelling units (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).

Staff's initial recommendation to City Council for the emergency ordinance will be to not allow ADUs or JADUs with a duplex that received planning approvals ministerially through the provisions of SB 9. However, per the City's ADU Ordinance, ADUs and JADUs would continue to be allowed with existing duplexes, or new duplexes approved through the standard (non-SB 9 ministerial process) planning approval process.

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 would 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 may require up to one off-street parking space per unit except no parking can be required if the parcel is located within ½ mile walking distance of transit or located within one block of a car share vehicle.

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 \(cityofsacramento.org\)](#) This document provides objective design criteria.

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 for 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](#)