

SENATE BILL 9 (SB 9): AN OVERVIEW

WHAT IT IS AND HOW IT IMPACTS RESIDENTIAL LAND USE



COUNTY of VENTURA

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

Similar to previous state legislation on Accessory Dwelling Units (ADUs), SB 9 overrides existing local density limits in single-family residential zones. SB 9 is intended to support increased supply of starter and modestly priced homes by encouraging building of smaller houses on existing or subdivided small lots.

SB 9 ALLOWS FOR:

BUILDING TWO HOMES

ON ONE LOT IN A SINGLE-FAMILY RESIDENTIAL ZONE



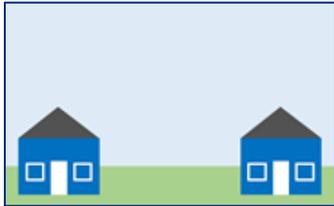
SUBDIVIDING ONE LOT INTO TWO

IN A SINGLE-FAMILY RESIDENTIAL ZONE

WHAT IT CAN MEAN FOR DEVELOPMENT OF NEW HOMES?

Illustrations are based on a preliminary analysis of the law. Details are subject to change and are for informational purposes only.

WITHOUT A SUBDIVISION (LOT SPLIT)



Two detached single-family units



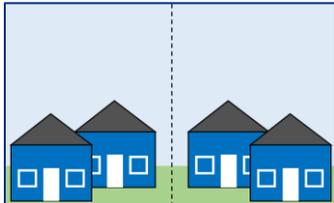
One two-family unit



Single-family unit:

A building designed or used exclusively for occupancy by one family and containing one principal dwelling unit.

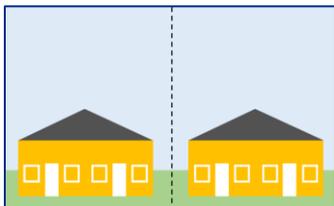
WITH A SUBDIVISION (LOT SPLIT)



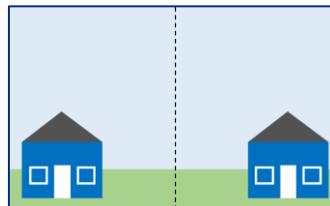
Two detached single-family units on each lot



One single-family unit,
One two-family unit



Two two-family units



Two single-family units



Two-family unit:

A building containing two principal dwelling units.

WHAT ABOUT ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY DWELLING UNITS (JADUS)?

USING SB 9 WITHOUT A SUBDIVISION (LOT SPLIT)

Current ADU and JADU regulations will continue to apply pursuant to Government Code sections 65852.2 and 65852.22.

USING SB 9 WITH A SUBDIVISION (LOT SPLIT)

A maximum of two units will be allowed, in any combination, inclusive of ADUs and JADUs pursuant to Government Code sections 65852.2 and 65852.22, on any lot created by an SB 9 lot split.

For additional information regarding SB 9, please contact the County of Ventura's Planning Division at PLAN.COUNTER@VENTURA.ORG, by calling 805-654-2488, or by visiting vcrma.org/divisions/planning.

SENATE BILL 9 (SB 9): AN OVERVIEW

APPLICATION IN UNINCORPORATED VENTURA COUNTY



DOES THE PROJECT QUALIFY?

FOR TWO-UNIT DEVELOPMENT OR LOT SPLITS

- Project must be within a single-family residential zone: R1, RES, RO, CR1 or CRE.
- Project must be located wholly within an urbanized area or urban cluster¹.
- Property cannot be located within **any** of the following:
 - Prime farmland or farmland of Statewide Importance;
 - Wetlands;
 - Land identified for conservation or land under a conservation easement;
 - Habitat for protected species;
 - A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a County Landmark or historic property or district;
 - A High or Very High Fire Hazard Severity Zone per the State Responsibility Area, or a Very High Fire Hazard Severity Zone per the Local Responsibility Area.
- Property can be located within the following areas **ONLY** if certain specified requirements are met:
 - A hazardous waste site as determined by the State;
 - Within a delineated earthquake fault zone;
 - Within a 100-year floodplain or floodway.
- Project qualifies if it does not alter nor demolish any of the following:
 - Deed-restricted affordable housing;
 - Rent-controlled housing;
 - Housing on lots with an Ellis Act eviction in last 15 years;
 - Housing currently occupied by a tenant, or occupied by a tenant in the last three years;
- Project cannot demolish more than 25% of exterior walls on a building that currently has a tenant or has had a tenant in the last three years, even if the rental unit isn't altered.

ADDITIONAL REQUIREMENTS FOR LOT SPLITS

- Each new lot is **at least** 1,200 sq ft.
- Lot must be split roughly in half – smaller lot must be at least 40% of the original lot.
- Lot was not created by a previous SB 9 lot split².
- Lot is not adjacent to another lot that has been split using SB 9 by the same owner, or any person acting in concert with the owner.

LIMITATIONS APPLIED

FOR TWO-UNIT DEVELOPMENT OR LOT SPLITS

- **Only** objective³ zoning standards, subdivision standards, and design standards can be applied. However, these standards **cannot** preclude the construction of two units of at least 800 sq. ft.
- Project **must** be for residential uses only.
- Projects **must** follow development standards pursuant to NCZO⁴ section 8106-1.1, and CZO⁵ section 8175-2 (e.g., height, lot coverage, and other development standards).
 - **Exception:** A rear or side yard setback of maximum 4 feet can be required. No additional setback will be required if a project utilizes an existing legally permitted structure or rebuilds an existing legally permitted structure in the same location and to the same dimensions as the existing structure.
- One (1) parking space per unit will be required, **unless** the project is within 1/2 mile of "high-quality transit corridor" or "major transit stop"⁶.
- Applicant must sign an affidavit stating that units created by SB 9 can only be used for rentals of **more than** 30 days.
- Proposed housing may include connected structures as long as they comply with building code safety standards and are sufficient to allow separate conveyance.
- For projects utilizing an existing or proposed new onsite wastewater treatment system, adequate septic feasibility **must** be demonstrated to the satisfaction of the County Environmental Health Division.
- Project **must** conform to all relevant objective requirements of the Subdivision Map Act.
- The County **may require** easements for provision of public services and facilities, and for the lots to provide access to, or adjoin the public right-of-way. (*Applies to lot splits only*)
- Applicant **must** provide a "will serve" letter from the lot's applicable water purveyor or a Certification of Water Quality from Environmental Health Division for lots using individual or shared water wells.
- Applicant **must** sign an affidavit stating they intend to live in one of the units for at least three years on a lot split, **unless** the applicant is a "community land trust" or a "qualified non-profit corporation" as defined by the Revenue and Taxation Code.
- Project **may be denied** if the County Building Official makes a written finding of specific, adverse impacts on public health or safety, with no feasible method to mitigate or avoid impact.

¹ As designated by the US Census Bureau.

² Any future subdivision is subject to the County's Subdivision Ordinance and the Subdivision Map Act.

³ "Objective" as defined by Gov. Code sections 65852.21(i)(2) and 66411.7(m)(1)

⁴ Non-Coastal Zoning Ordinance.

⁵ Coastal Zoning Ordinance.

⁶ As defined in Sections 21155 & 21064.3 of the Public Resources Code.

For additional information regarding SB 9, please contact the County of Ventura's Planning Division at PLAN.COUNTER@VENTURA.ORG, by calling 805-654-2488, or by visiting vcrma.org/divisions/planning.