



SB 9

Handout

What is SB 9?

Senate Bill 9 or **SB 9** is a California State Law that allows a parcel zoned single-family residential (R-1) to be subdivided into two parcels, and/or allows construction of up to two primary homes per lot, if the parcel meets the SB 9 eligibility criteria and if the project meets the minimum SB 9 development requirements listed in this handout. SB 9 is intended to support the creation of additional infill rental and ownership housing opportunities within single-family neighborhoods.



Possible SB 9 Dwelling Unit Configurations

Is my property eligible?

To be eligible for an SB 9 project, a parcel must be zoned single-family residential (R-1). The parcel *may not* be located within:

- Wetlands
- A Very High Fire Hazard Severity Zone
- Lands identified for Conservation in an Adopted Natural Community Conservation Plan
- Habitat for Protected Species
- A Historic District, be included on the State Historic Resources Inventory, or within a site that is legally designated or listed as a city or county landmark or historic property

In addition, SB 9 is not permissible if the property has been subject to the Ellis Act within the past 15 years.

See the SB 9 Site Eligibility Checklist for more information on eligibility criteria and additional requirements and/or restrictions if the parcel is located in a hazardous waste site, delineated earthquake fault zone, or 100-year floodplain or a floodway.

Can I subdivide my eligible SB 9 lot?

Yes, an SB 9 Urban Lot Split is permissible provided all the following are true:

- The lot has a minimum size of 2,400 sq. ft.
- The parcel has not been established through prior exercise of an SB 9 Urban Lot Split
- The property owner has not previously subdivided or acted in concert with any person to subdivide an adjacent parcel using an SB 9 Urban Lot Split

Each resulting lot must:

- Have a minimum size of 1,200 sq. ft.
- Be no smaller than 40% of the lot area of the original parcel
- Have / provide access to or adjoin the public right-of-way. Possess easements and/or other necessary property rights required for the provision of public services and facilities.

Parcels created through an SB 9 Urban Lot Split are also subject to the following restrictions:

- **Owner Occupancy** – the property owner is required to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split.
- **No Demolition of Protected Housing** – the property owner is required to sign a demolition affidavit stating that the proposed project does not result in the demolition or alteration of a) Affordable or rent-controlled housing or b) Market-rate housing that has been occupied by a tenant in the past three years.
- **Residential Uses Only** are permissible on a parcel created through an Urban Lot Split.
- **No Short-term Rentals** – SB 9 Units may not be utilized as short-term rentals (i.e. rentals less than 30 days).
- **Conformance with HOA Rules** – an SB 9 development must conform to any applicable Codes, Covenants & Restrictions (CC&Rs) or Homeowner Association (HOA) Rules.

How many residential units can I have with an SB 9 project?

SB 9 projects may have a maximum of 4 dwelling units, with a maximum of two primary dwelling units per lot. Dwelling units may be attached or detached. Possible combinations of dwelling unit configurations are listed below.

<u>With</u> an Urban Lot Split	With <u>no</u> Urban Lot Split
<ul style="list-style-type: none"> • Two Primary Units per lot • One Primary Unit and One ADU per lot • One Primary Unit on one lot and One Primary Unit with an ADU and a JADU on the second lot 	<ul style="list-style-type: none"> • Two Detached Primary Units, one detached ADU, and one converted ADU • Two Attached Primary Dwelling Units and a total of two ADUs that are either detached or converted from non-habitable residential space (e.g. storeroom, garage, etc.) • One Primary Unit, one JADU, one detached ADU, and one converted ADU

SB 9 Housing Development Project Development Standards for Primary Units*
(see ADU/JADU regulations for relevant development standards)

Setbacks

- 4-foot rear and side yard setbacks for a new or expanded dwelling unit
- 15-foot front yard setback
- No setbacks required for an existing dwelling or one rebuilt in the same location*

*Note: If the lot split results in a reduced setback, an existing structure may need to be remodeled to meet Building and Fire Code requirements prior to map recordation.

Distance between Structures

- 10-foot separation between primary structures
- 6-foot separation between primary structure and accessory structure/ADU

Lot Coverage and Floor Area Ratio (FAR)

- 50% Maximum Lot Coverage
- 0.55 Maximum FAR

Height

- 28 feet
- See AMC [§20.24.030](#) if located in the Hillside Overlay District

Parking

No off-street parking required

*Except for the required 4-foot rear and side yard setback, no development standards can preclude the construction of up to two dwelling units up to 800 square feet in size.

What is the review process?

SB 9 projects are reviewed ministerially, without discretionary review, and require no noticing or public hearings. All SB 9 Projects require submittal of an SB 9 application.

To submit an SB 9 application, email all submittal requirements—see [SB 9 Housing Development Submittal Requirements](#) and [SB 9 Urban Lot Split Submittal Requirements](#)—as attached PDF documents or via file share link to planning@albanyca.org. Failure to submit a complete application will result in your application not being accepted. Planning fees will be invoiced and sent to the property owner/applicant once the application has been accepted. Upon verification that the project complies with the eligibility requirements and development standards, the applicant may submit for a building permit and/or parcel map.

Information on how to submit for a building permit can be found here:

<https://www.albanyca.gov/Departments/Community-Development/Building/Building-Permits>

Information on submitting for a parcel map can be found here:

<https://www.albanyca.gov/Departments/Community-Development/Building/Building-Permits>