

SB 9 – Second Unit Development Without Lot Split



General Definitions:

Senate Bill 9 (SB 9), the California Housing Opportunity and more efficiency (HOME) Act, overrides existing density limits in single-family zones and allows for ministerial approval of the development of up to two (2) units on a single-family zoned lots and “Urban Lot Splits.”

“**Primary Unit (PD)** (also called a residential dwelling unit or residential unit) is defined as a single-family residence or a residential unit within which complete independent living facilities are provided. A primary unit is distinct from ADU or a JADU, and must be present on the lot on which a JADU or ADU is proposed. Examples of primary units include a single-family residence, a duplex, a four-plex, etc.

“**Secondary Primary Dwelling Unit (SPD)** is defined as second primary residential unit developed per SB 9.

Eligibility

- Properties zoned for single-family use **ONLY** (AR, E1, RHE, E4, RE, R1, RS)
- Properties shall be located in an [urbanized area or cluster](#), as defined by the Census Bureau.
- Property CANNOT:
 - Be located in a state/local historic district or landmark, Prime farmland, Wetlands, Habitat for protected species
 - Identified for conservation easement
- Property CANNOT be located within a (Unless meeting specified requirements as reviewed and determined by applicable agencies):
 - Very high fire hazard safety zone
 - Hazardous waste sites
 - Earthquake fault zone
- Cannot be used for short-term rentals and must be rented for at least 30 days or more.

Development Standards

Number of Units:

- **Primary Dwelling Unit:** A maximum of two (2) per property. A primary dwelling unit and a secondary primary dwelling unit.
- **ADU/JADU:** Per Government Code Section 66323(a).

Size: Must comply with any lot coverage maximums of the base zoning regulations, unless it would physically preclude the construction of up to two units that are at least 800 square feet in floor area.

Location: Front Setback: Determined by base zoning regulations.

Side and Rear-Setback: Shall maintain a minimum setback of four (4) feet from all property lines.

Height: PD & SPD: Determined by base zoning designation.

ADU: Per Government Code Section 66321(b)(4).

JADU: Subject to height regulations applicable to the structure to which the JADU is attached.

Off-street Parking Requirements*:

- One (1) parking space is required for each SB 9 unit unless one (1) or more of the following apply:
 - The property is located within ½-mile walking distance of high-quality public transit corridor or major transit stop, including bus stops.
 - The property is located within one (1) block of a car share vehicle.

Accessory Dwelling Units/Junior Accessory Dwelling Units: Development standards for ADUs and JADUs are set forth in zoning code section 7-9-90. (Reference [ADU Handout](#) for additional information).

*Public Resources Code Sections 21155 and 21064.3, as amended

How to Apply

Apply at myOCeServices.ocgov.com

Building Permits

A separate residential building permit is required for each unit. All related permits may be submitted as one package for ease of tracking.

General Definitions:

“**Urban Lot Split**” is defined as the ministerial subdivision of a property in a single-family residential zone into two lots that can be built with up to two dwelling units on each lot.

Urban Lot Split Requirements

- Neither lot shall be less than 40% of the original lot size
- Each new lot is at least 1,200 square feet (gross lot area)
- Lot to be split is not adjacent to another SB 9 urban lot split by the same owner or any person acting in concert with the owner
- Lots can only be split once per SB 9
- Newly created lots shall have access to utilities
- Newly created lots shall have access to public or private ROW
- Owner Occupancy required for a minimum of three (3) years from date of approved Urban Lot Split

Development Standards

Number of Units:

The number of primary units and/or ADU/JADU units can vary. However, Urban Lot Splits shall not result in more than four (4) total units including ADUs and JADUs.

- **Primary Dwelling Unit:** A maximum of two (2) per property. A primary dwelling unit and a secondary primary dwelling unit.
- **ADU/JADU:** The maximum number of ADU/JADUs may vary per development. However, a minimum of one (1) primary unit is required for the development of an ADU and/or JADU.
- Development is NOT required for Urban Lot Split.

Size: Must comply with any lot coverage maximums of the base zoning regulations, unless it would physically preclude the construction of up to two units that are at least 800 square feet in floor area per unit.

Location: Front Setback: Same front setback limitations as the base zoning regulations.

Side and Rear-Setback: Shall maintain a minimum setback of four (4) feet from all property lines.

Height: Same height limitations as the base zoning regulations.

Eligibility

- Properties zoned for single-family use **ONLY** (AR, E1, RHE, E4, RE, R1, RS)
- Properties shall be located in an [urbanized area or cluster](#), as defined by the Census Bureau.
- Property CANNOT:
 - Be located in a state/local historic district or landmark, Prime farmland, Wetlands, Habitat for protected species
 - Identified for conservation easement
- Property CANNOT be located within a (Unless meeting specified requirements as reviewed and determined by applicable agencies):
 - Very high fire hazard safety zone
 - Hazardous waste sites
 - Earthquake fault zone
- Cannot be used for short-term rentals and must be rented for at least 30 days or more.

Off-street Parking Requirements*:

- One (1) parking space is required for each SB 9 unit unless one (1) or more of the following apply:
 - The property is located within ½-mile walking distance of high-quality public transit corridor or major transit stop, including bus stops
 - The property is located within one (1) block of a car share vehicle

Accessory Dwelling Units/Junior Accessory Dwelling Units: Development standards for ADUs and JADUs are set forth in zoning code section 7-9-90. (Reference [ADU Handout](#) for additional information)

*Public Resources Code Sections 21155 and 21064.3, as amended

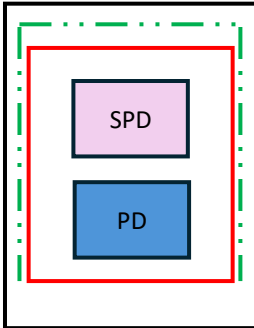
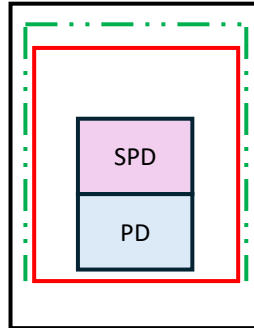
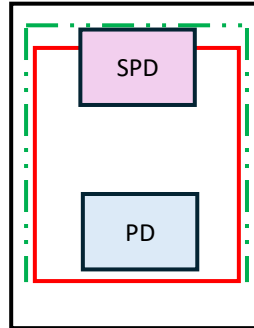
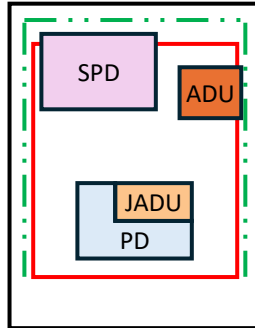
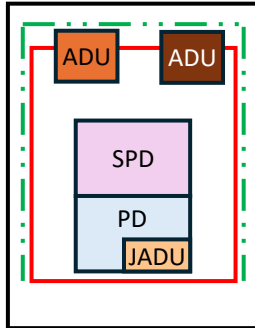









How to Apply

Apply for Survey Applications at myOCeServices.ocgov.com

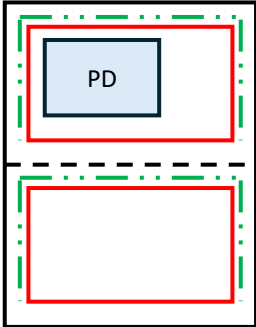
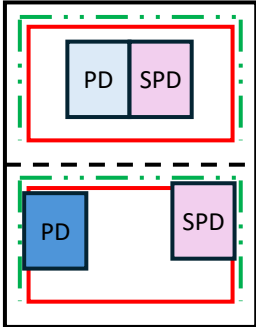
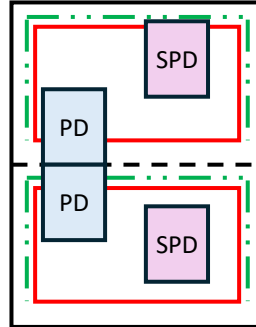
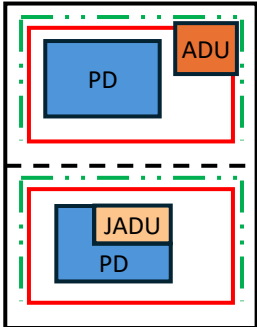
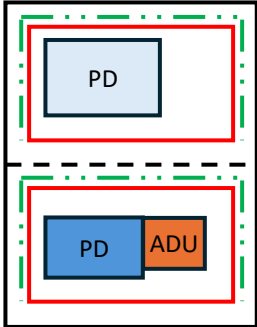



























First, Request a Map Number:	Then, Process Map Application:
Step 1. Select “Survey”	Step 1. Select “Survey”
Step 2. Select “Request Map Number”	Step 2. Select “Process Map Application”
Step 3. Select “Parcel Map Number Request”	Step 3. Select “Urban Lot Split Parcel Map”
Click “Start Application”	Click “Start Application”

SB 9 Summary Table



Secondary Primary Dwelling Units without a Lot Split					
Examples	Two New PD (PD and SPD) on Vacant Lot	New SPD Unit + Existing PD Attached	New SPD + Existing PD Detached	New SPD Unit + Existing Dwelling Unit+ (ADU /JADUs)	
					
	 New Secondary Primary Dwelling Unit  New Primary Dwelling Unit  Existing Primary Dwelling Unit	 Accessory Dwelling Unit  Junior Accessory Dwelling Unit  Accessory Dwelling Unit Converted From Existing Structure	 Property Lines  Base Zone Setbacks  4-Foot Side and Rear Setbacks		
Zoning	Single-Family Residential (AR, E1, RHE, E4, RE, R1, RS)				
Number of Units	Per Government Code Sections 65852.21 & 66323(a)				
Short Term Rental	Prohibited				
Parking¹	One (1) off-street parking space per SB 9 primary dwelling unit				
Owner Occupancy	No ownership occupancy requirements				
Rear/Side Setbacks²	Four (4) Feet				
Front Setback²	Determined by base zoning designation				
Maximum Height	PD & SPD: Determined by base zoning designation				
	ADU: Per Government Code Section 66321(b)(4)				
	JADU: Subject to height regulations applicable to the structure to which the JADU is attached				

Urban Lot Split Development

Examples	Urban Lot Split – No Development	Primary Dwelling Units and Secondary Primary Dwelling Units		PDs with Accessory Dwelling Units (ADU/JADUs)																			
																							
	<table border="0"> <tr> <td> SPD</td> <td>New Secondary Primary Dwelling Unit</td> <td> ADU</td> <td>Accessory Dwelling Unit</td> <td></td> <td>Property Lines</td> </tr> <tr> <td> PD</td> <td>New Primary Dwelling Unit</td> <td> JADU</td> <td>Junior Accessory Dwelling Unit</td> <td></td> <td>Base Zone Setbacks</td> </tr> <tr> <td> PD</td> <td>Existing Primary Dwelling Unit</td> <td></td> <td>Newly Created Property Line</td> <td></td> <td>4-Foot Side and Rear Setbacks</td> </tr> </table>					 SPD	New Secondary Primary Dwelling Unit	 ADU	Accessory Dwelling Unit		Property Lines	 PD	New Primary Dwelling Unit	 JADU	Junior Accessory Dwelling Unit		Base Zone Setbacks	 PD	Existing Primary Dwelling Unit		Newly Created Property Line		4-Foot Side and Rear Setbacks
 SPD	New Secondary Primary Dwelling Unit	 ADU	Accessory Dwelling Unit		Property Lines																		
 PD	New Primary Dwelling Unit	 JADU	Junior Accessory Dwelling Unit		Base Zone Setbacks																		
 PD	Existing Primary Dwelling Unit		Newly Created Property Line		4-Foot Side and Rear Setbacks																		
Zoning	Single-Family Residential (AR, E1, RHE, E4, RE, R1, RS)																						
Lot Size	Urban lot splits must result in at least a 60/40 split																						
Number of Units³	Maximum of four (4) units																						
Short Term Rental	Prohibited																						
Parking¹	One (1) off-street parking space per SB 9 primary dwelling unit																						
Owner Occupancy	Property owner must intend to occupy one of the housing units as their principal residence for at least three (3) years from the approval date of Urban Lot Split. Owner occupancy shall be recorded with a signed affidavit.																						
Rear/Side Setbacks²	Four (4) Feet																						
Front Setback²	Determined by base zoning designation																						
Maximum Height																							

1. If located within a half mile walking distance of a High-Quality Transit Corridor (as defined in subdivision (b) of Public Resources Code Section 21155) or Major Transit Stop (as defined in Public Resources Section 21064.3); or located within one block of a car share vehicle, no parking shall be required. See County of Orange Zoning Code Section 7-9-90 and ADU Handout for ADU/JADU development standards.
2. Cannot require any setback if utilizing an existing structure or rebuilding a same-dimensional structure in the same location of existing structure.
3. SB9 shall not result in the creation of more than a cumulative of 4 units including ADUs/JADUs.