

SB9: Residential Lot Splits and 2-Units

Expanding residential inventory by increasing unit allowances on single-family zoned residential properties

California Senate Bill 9

- ◆ Effective January 1, 2022
- ◆ Allows two units on a lot zoned for single family
- ◆ Allows **lot** splitting a property zoned for single family into two parcels
- ◆ Many exemptions



Two Units on a Single Residential Lot

- ◆ Urban areas
- ◆ No demolition of housing if:
 - ◆ Lower income
 - ◆ Rent control or
 - ◆ Rented in last 3 years
- ◆ Property may not have been removed from rental under Ellis Act in last 15 years
- ◆ No historic districts
- ◆ No demolition of 25% or more of exterior existing walls (some exceptions)



Two Units on Single Lot, Local Agencies

- ◆ Local agencies must:
 - ◆ Allow 800 SF minimum for each unit
 - ◆ Not require additional set-backs for existing structure
 - ◆ Not require more restrictive parking than one off-street per unit (**no parking required** if near car-share or ½ mile of transit corridor or major transit stop)
 - ◆ Prohibit short-term rentals
- ◆ Local agencies may prohibit ADU if also lot split



Residential Lot Splits

- ◆ Lots must be approximately equal (no greater than 60-40 split)
- ◆ Each at least 1,200 sf
- ◆ No demolition or alteration if:
 - ◆ Lower income
 - ◆ Rent control
 - ◆ Rented in the last 3 years
- ◆ Property may not have been removed from rental under Ellis Act in last 15 years
- ◆ No historic districts
- ◆ Not previously subdivided



Residential Lot Splits, Local Agencies

- ◆ Local agencies must:
 - ◆ Not require more restrictive parking than one off-street per unit (**no parking required** if near car-share or ½ mile of transit corridor or major transit stop)
 - ◆ Prohibit short-term rentals
 - ◆ Require applicant to certify they will occupy for 3 years as principal residence
- ◆ Local agencies may:
 - ◆ Require access to public right of way



Exemptions

- ◆ Prime farmland
- ◆ Wetlands
- ◆ Very high fire hazard severity zones
- ◆ Hazardous waste sites
- ◆ Earthquake fault zones (unless complies with seismic standards)
- ◆ Special flood hazard area and regulatory floodway under FEMA (unless meets federal qualifying criteria)
- ◆ Conservation land
- ◆ Habitat for protected species
- ◆ Conservation easement land



Additional Resources

- ◆ [Quick Guide - California's Senate Bill 9 - Residential Lot Splits and 2-units](#)
- ◆ [Legal Q&A, 2022 New Laws](#)
- ◆ [Legal Live Webinar, 2022 New Laws](#)