



# SB-9 URBAN LOT SPLITS

## Summary Sheet

Senate Bill 9 (SB-9, Atkins) changed California Government Code Sections 6452.6, 65852.21, and 66411.7 to allow for urban lot splits. The City has adopted rules to bring the City's Zoning Code into alignment with State law. The following is summary of the City's rules for urban lot splits and urban dwelling. For the full text of the City's ordinance please see Ordinances [1058-U](#) and [1059](#).

### What it Allows:

- One lot can be divided into a maximum of two lots
- Lots must be at least 40 percent the size of the original lot. The minimum lot size is 1,200 square feet.
- Minimum size of new lot is 1,200 square feet
- Each lot can have two units
- ADUs and JADUs are counted toward the maximum number of units
- Units must be within 500 and 800 square feet
- Only applies to the City's R-1, Single-Family zone

### Setbacks:

- Rear and side setbacks can be as little as four feet
- No additional setbacks for existing structures
- No additional setbacks for structures replacing existing structures (new structure must be same size and location)

### Height:

- New Structures: An urban dwelling must not be more than one-story. The maximum height must not exceed 18 feet. The distance from the ceiling to the finished floor must not exceed eight feet. Vaulted ceilings are not permitted.
- Additions: An urban dwelling can be added to a site with an existing two-story structure. In such instances the entirety of the addition must meet the requirement of subsection "1" above.
- Conversions: In cases where an urban dwelling is being added by subdividing an existing structure, the height requirements of subsection "1" above do not apply.
- Exceptions: Projects that are exempt from the one-story height limit due to the 800-square foot exemption must not exceed 25 feet in height with a maximum top plate height of 18 feet.

### Driveways and Parking:

- A proposed urban dwelling must not provide any onsite parking (including garages, carports, and parking on driveways). Any hardscape more than 8 feet in width and 18 feet in depth is not permitted on a site with an urban dwelling.
- Urban dwellings and urban lots are not eligible for monthly, quarterly, or annual overnight parking permits

### Limitations on Demolition:

- Must not demolish or alter:
  - Legally restricted affordable housing
  - Housing subject to rent control
  - Housing occupied by a tenant within the last three years
- If the site has been rented in the last three years, cannot demolish more than 25 percent of the exterior walls

**Affordability:**

- Urban dwellings must be continuously maintained as "affordable" housing for a period of not less than 30 years from the date of first occupancy.
- Urban dwellings must be occupied by low or very low- income households.
- The maximum amount of rent, which may be charged, is 30 percent of the total household income or 30 percent of the income limit for low- income households, whichever is less.
- Every occupant of an urban dwelling must be qualified for eligibility based upon annual tax returns.
- Said restriction must be set forth in a recorded covenant or deed restriction.
- The property owner must provide documentation to the City on an annual basis relative to eligibility.
- The owner must agree to evict any tenant who does not meet the eligibility requirement.
- When the applicant lives onsite, they will be exempt from this requirement.

**Tree Preservation:**

- In cases where an addition or new construction is being proposed to provide for urban dwelling, the property owner must not remove any mature trees onsite.
- A mature tree is defined as trees with a diameter-at-breast-height (DBH) of 19 inches or greater.
- If removal of a tree is required to provide a minimum 800 square foot unit, the owner must meet the requirements of Section 9-1N-8 (Tree Replacement Requirements).

**Design Standards:**

- Objective Design Standards for Additions: Additions or new structures added to sites where an existing structure will be retained must match the architectural style of the main dwelling including but not limited to the roof pitch, window size, proportion of window units to wall size, direction of window opening, muntin pattern, exterior building materials, lighting fixtures, and paint colors.
- Objective Design Standards for New Construction: The following standards apply to all new construction, not additions:
  - Front Façade Articulation: Front elevations must include at least two of the following: porch, canopy, bay window, awning, chimney, or courtyard. The porch or courtyard must be at least five feet deep.
  - Entrances: The front entrance to all units must be either recessed or protrude a minimum of five feet from the front wall. The front recessed entry or porch area must be covered.
  - Side and Rear Articulation: No wall along a side-, rear-, or street side-yard may extend more than 24 feet without architectural articulation or an offset of at least 2 feet for not less than 8 feet. The eave of the roof must be articulated as well at the same proportion as the wall below. See the images, below. The first image does not meet this requirement, while the second image, does.
  - Quantity of Exterior Materials: All structures must have at least two exterior building wall materials including. The following exterior materials area allowed: stucco, wood, rock/stone, hand-painted tile, brick, or clinker brick. Window and door trim does not count as a second material.
  - Use of stone: Manufactured stone must not be used in place of real stone.
  - Use of brick: Brick veneer must be at least 1.75 inches in depth; half the depth of a standard brick.
  - Quality Materials: Materials made from foam covered by stucco are not allowed.
  - Exterior Materials: When used on the same elevation, wood and stucco must be placed above rock or brick.

- Two Colors: Buildings must include at least two colors; one for the main wall color and another for architectural trim pieces.
- Building Colors: Projects with detached structures must provide different color palettes for each structure.
- Exterior Stairwells: Exterior stairs leading from the ground floor to a second or third story are prohibited.
- Open Space: Urban dwellings must have minimum of 500 square feet of open space with a dimension of at least 10 feet. The open space must be directly accessible to the urban dwelling it serves. The front yard could not be counted as open space.
- Courtyards: Urban dwellings that are all new construction, and not an addition, must include a main open space courtyard with a minimum area of 1,000 square feet or 10 percent of the lot area and with a minimum width and depth of 20 feet, whichever is larger. Courtyards must be accessible from the public right of way and each ground floor unit. Courtyards must be visible from the street with a minimum 10-foot-wide opening that is open to the sky. All primary entrances to ground floor units must be accessed from the street frontage or courtyard. The courtyard must be surrounded by structures on at least two sides.
- Architectural Styles: Urban dwellings must either be Spanish Colonial Revival or Craftsman in style. See sections 9-1T-12 A.6.O through A.6.P for details.

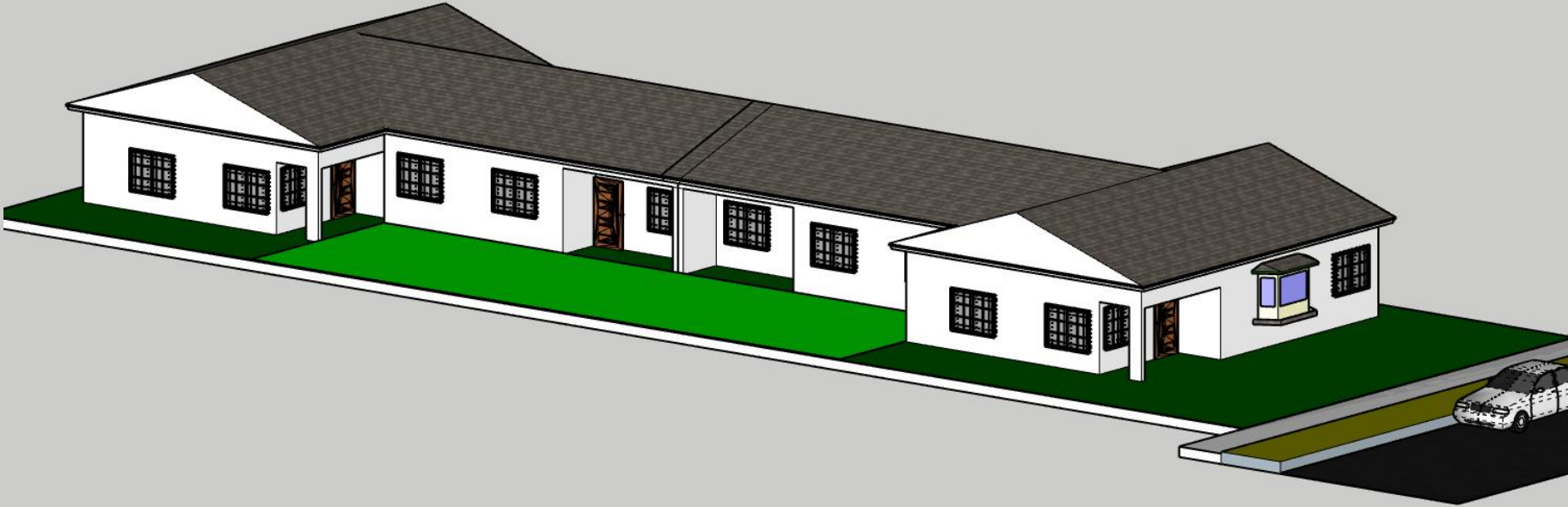
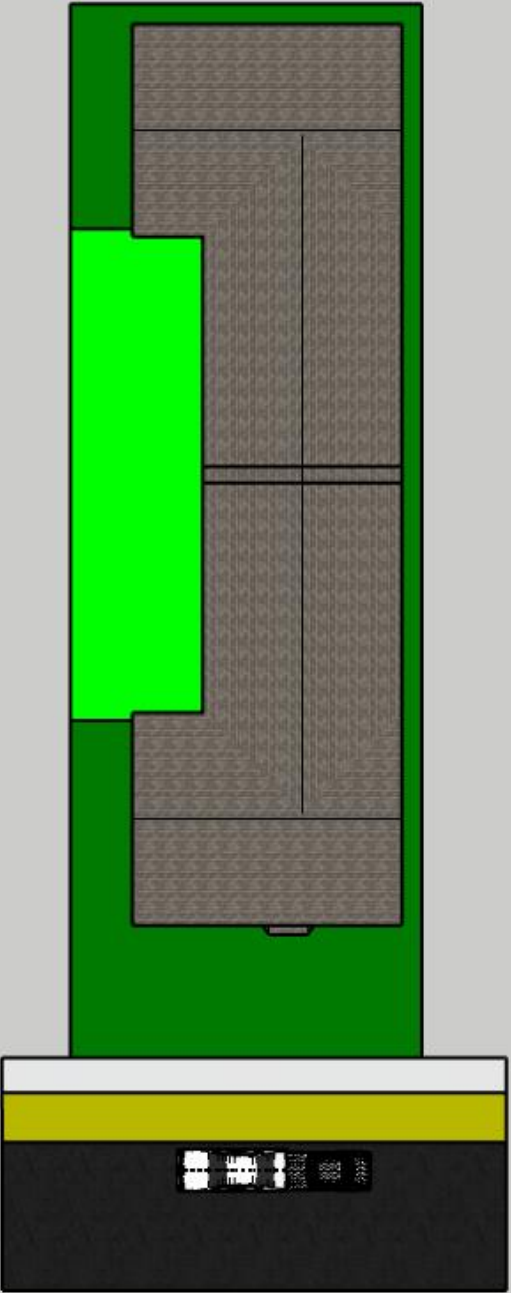
**Other requirements:**

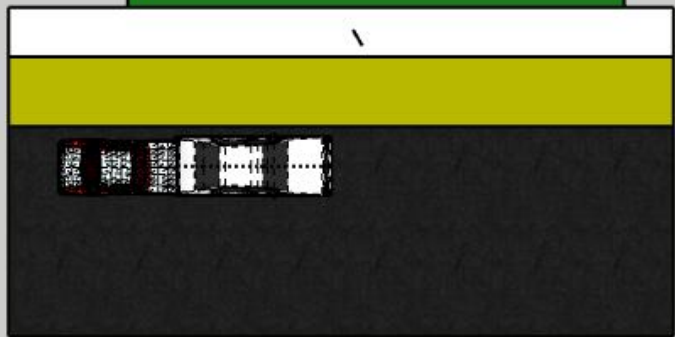
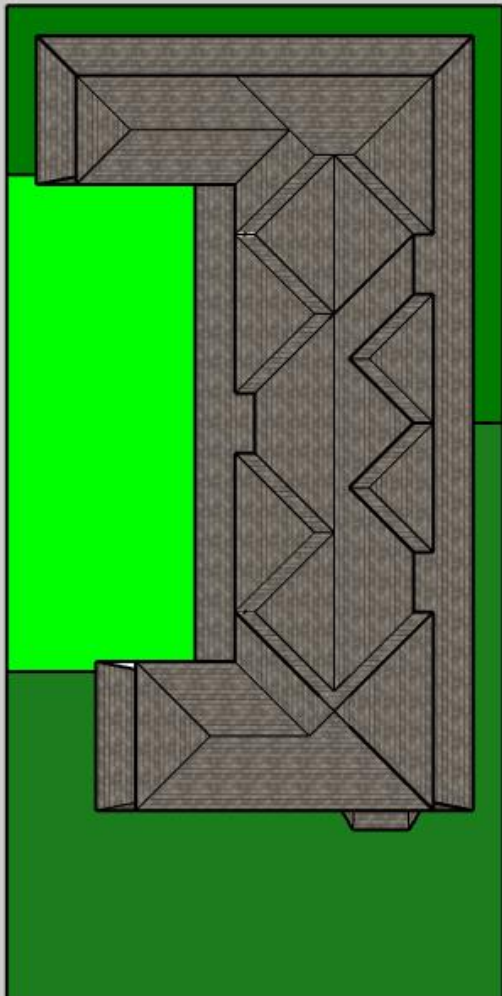
- The property owner must demonstrate that the property has achieved LEED Platinum certification. This requirement does not apply to conversions of and additions to existing buildings.
- Cannot be used for short term rentals
- Structures can be attached
- Owner must sign affidavit that owner will live on-site for 3 years
- Cannot subdivide in the future as an urban lot subdivision
- Same owner cannot subdivide an adjacent site
- City must allow owner to keep non-conforming conditions (e.g. setbacks)
- Only structures that meet the requirements of urban dwellings are allowed on urban lot splits.

Any objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area must be set aside. Objective zoning standards will be set aside in the following order until the site can contain two, 800 square foot units.

- Lot coverage
- Floor area ratio
- Tree Preservation
- Open space
- Courtyard
- Second floor step backs
- Front of the lot floor area ratio
- Articulation
- Maximum number of stories. If waiving of all the above requirements do not provide for an 800 square foot unit, the building may exceed the maximum number of stories. After exceeding the maximum number of stories, the applicant must then replace the above objective standards in the opposite order until the unit size is reduced to 800 square feet.

Site Plan	1
Lot Dimensions	50' x 150'
Lot Size	7,500 sq ft
Courtyard	1,400 sq ft
Size of Units	≈ 800 sq ft
Density	23 units/acre
Lot Coverage	48%





Site Plan	2
Lot Dimensions	50' x 100'
Lot Size	5,000 sq ft
Courtyard	1,000 sq ft
Size of Units	≈ 800 sq ft
Density	35 units/acre
Lot Coverage	46%
FAR	.64

