



California Senate Bill 9

Frequently Asked Questions (FAQs) & Interim Implementation Guidance

What You Need to Know About SB 9

[California Senate Bill 9](#) (SB 9), also known as the California Housing Opportunity and More Efficiency (HOME) Act, is a state bill that requires cities, counties, and local agencies to ministerially approve two residential units on a parcel within a single-family residential zone if the development meets specific objective criteria. This law went into effect across California on January 1, 2022. SB9 will only apply to property owners in single-family zones (RD-1 through RD-10). The bill allows for two types of projects so long as they meet all qualifying criteria:

- **Urban Lot Split** ministerial review for subdividing one lot into two lots within a single-family residential zone, and/or
- Permitting a **Second Primary Dwelling Unit** on each parcel

Used together, this allows for up to four dwelling units on what was formerly a single lot.

What does ministerially approve mean?

A ministerial decision involves only the use of fixed standards or objective measurements in deciding if or how a project should be carried out. A project must be approved if it complies with fixed/objective standards, without any subjective judgement from County staff. Ministerial projects are not subject to environmental review or public hearings. An example of a ministerial decision is the issuance of a building permit.

What are Objective Standards?

Objective standards are standards that involve no personal or subjective judgment by County staff and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

Approved Code Amendments

In December 2021, the County of Sacramento adopted amendments to the County Code Title 22 Land Development related to SB 9. The Board Staff Report, meeting video and materials are available [online](#). The [County Zoning Code User Guide](#) has also been updated to provide guidance on the SB 9 application process within unincorporated Sacramento County.

Staff aims to have a final SB 9 Ordinance incorporated in the County Zoning Code by fall 2022. This FAQ document provides the current guidance that will be followed until the County Zoning Code has been updated and finalized.

The County plans to recommend additional amendments to the County Zoning Code to help facilitate the implementation of SB 9 within the County of Sacramento. The County will continue community outreach and will make improvements to the final ordinance based on community feedback; input from the County Planning Commission and Board of Supervisors; any new State guidance; and, lessons learned from implementing this interim guidance.

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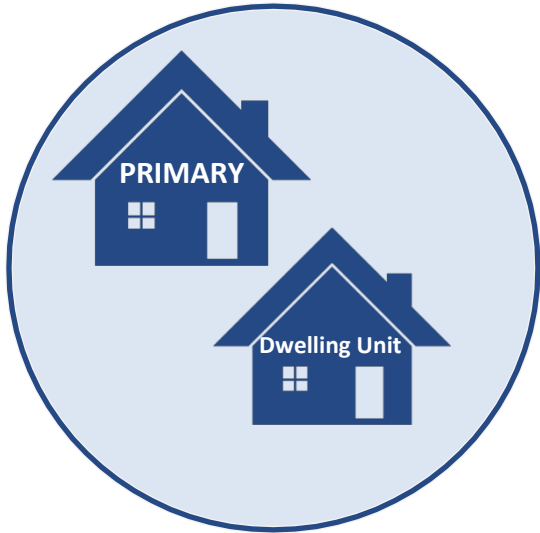
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What Are My Options Using SB 9?



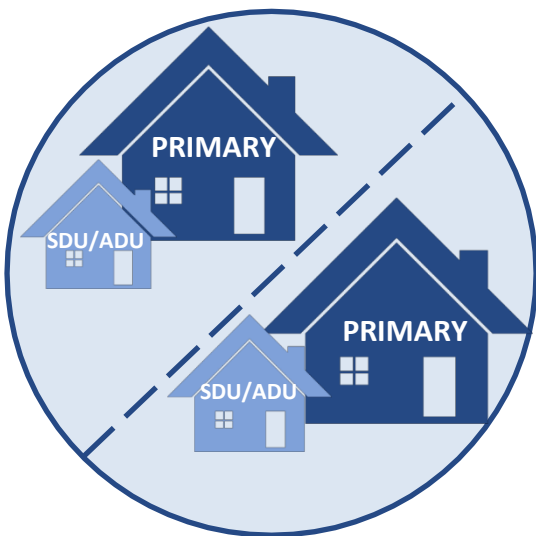
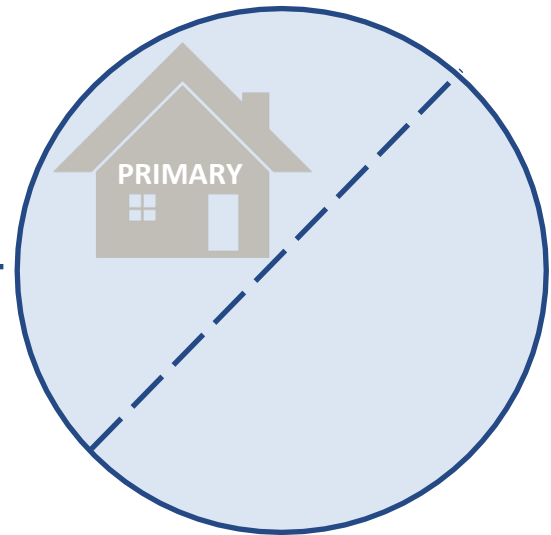
Add One Unit

If you have an existing single-family home, you may add an additional dwelling unit (SDU), which can be attached or detached.

Split the Lot (Urban Lot Split)

You may subdivide the lot into two (2) lots:

- Each new lot must be minimum 1,200 square feet; and
- Each new lot must be 40% to 60% of the size of the original lot.
- Lot can be developed or vacant



Up to Four Units Allowed

If an urban lot split is proposed, two (2) units are allowed on each lot:

- One (1) primary unit and one second primary unit (SDU); or
- One (1) primary unit and one (1) ADU/JADU

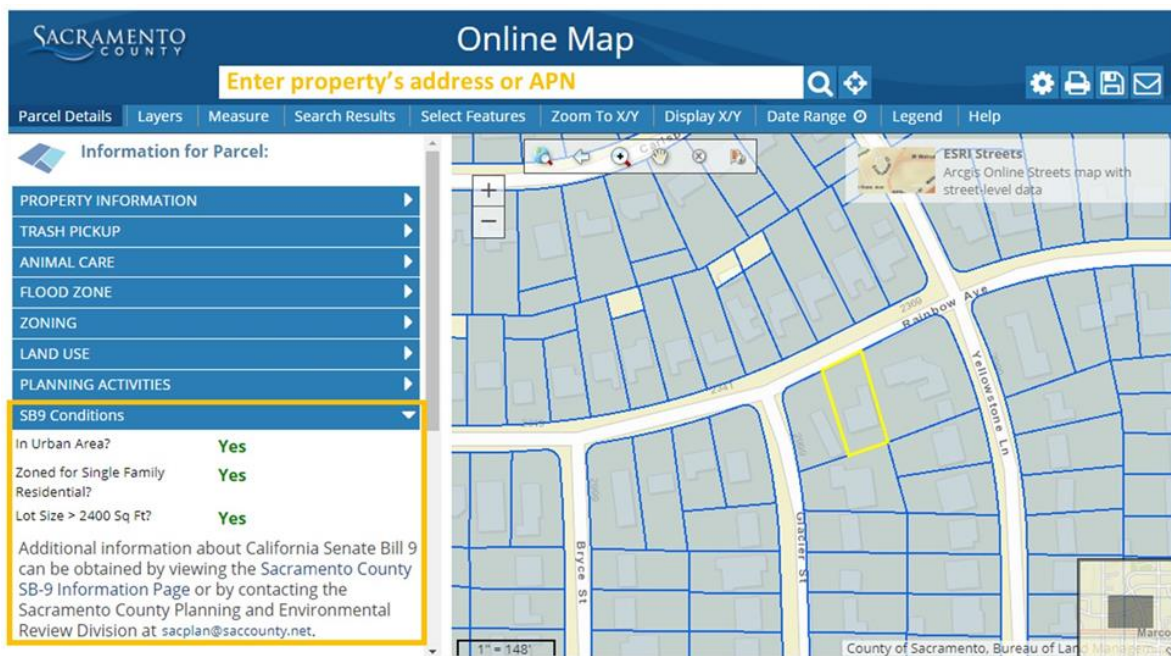
For a maximum of four (4) units on the original lot (two units on each resultant lot).

SB 9 Qualifying Criteria

Is my project eligible for the SB9 Application Process in Unincorporated Sacramento County?

To begin, the subject lot must be located within the jurisdiction of unincorporated Sacramento County. [See this interactive map to view your property's zone and jurisdiction.](#) The Property Information section will state "Unincorporated Area of Sacramento County" if the property is located within the jurisdiction of Sacramento County.

The subject lot must be located within a single-family residential zone (i.e., Residential 1 [RD-1] through Residential 10 [RD-10]). [See this interactive map to view your property's zone and jurisdiction.](#) After entering a property's address or APN, look at the information provided under the "SB9 Conditions" tab.



Secondly, in order to be eligible for an **Urban Lot Split** or a **Second Primary Dwelling Unit** project under SB 9, the following additional criteria must be met:

- Property is located within a single-family residential zone (i.e., Residential 1 [RD-1] through Residential 10 [RD-10]);
- Property is a legal parcel located wholly within a U.S. Census Bureau designated urbanized area or urban cluster;
- Property cannot be located on farmland, wetlands, habitat for protected species or conservation lands or easements.
- The project cannot be located in high fire zones, hazardous waste sites, earthquake faults zones and flood areas unless certain additional requirements are met.

- Project would not require the demolition or alteration of affordable housing, rent-controlled housing, housing withdrawn from the rental market in the past 15 years via an Ellis Act eviction, or housing occupied by a tenant in the last three years. If unit was occupied by a tenant within the last 3 years, no more than 25 percent demolition is allowed of the exterior walls.
- Property is not located within historic district or included on the State Historic Resources Inventory or within a County-designated landmark or historic property.

What if my property is located in a Special Planning Area (SPA), Neighborhood Preservation Area (NPA), Specific Plan, or other land use plans?

Generally, SPAs/NPAs and Specific Plans will identify single-family residential or comparable zones. Sites within single-family zones in SPAs, NPAs, and Specific Plans are eligible for development under SB 9 as long as they meet the required criteria. However, in certain SPAs/NPAs and Specific Plans, a single-family residential zoning designation or comparable zone may not exist. In this case, the Planning Director may make a determination regarding whether a certain zoning designation would be eligible for processing a project under SB 9. Considerations for this determination include the characteristics, intensity, and compatibility of the property in comparison to those of the single-family residential zones.

To verify a property’s zoning designation and whether the designation qualifies as a single-family residential zone please email us at sacplan@saccounty.gov.

If your project is within an SPA or NPA with an unspecified designation, you will be required to apply for a [Planning Director’s Determination](#) (research request) to verify if the SPA/NPA zone district is determined to be a single-family zone and qualifies as an SB 9 project.

Are SB 9 projects allowed in my Homeowner Association (HOA)?

The property owner is responsible for verifying that the property’s Codes, Covenants, and Restrictions (CC&Rs) or Homeowner Association (HOA) rules are not violated by the proposed SB 9 project.

Dwelling Units General Questions

What are Considered Dwelling Units under SB 9?

Pursuant to SB 9, dwelling units include primary dwellings, accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and **Second Primary Dwelling Units (SDU)**.

What is a Second Primary Dwelling Unit?

A **Second Primary Dwelling Unit (SDU)** is similar to a primary dwelling, meaning the dwelling is intended for occupancy by one household. An **SDU** may be attached or detached, and may involve new construction or the conversion of an existing space/structure. Any property that meets the criteria of SB 9 may develop an **SDU** on the property.

What is the difference between a Second Primary Dwelling Unit (SDU) and an ADU/JADU?

Pursuant to SB 9, both ADUs/JADUs and SDUs are considered dwelling units. While State requirements provide similar side and rear setbacks for both ADUs and SDUs, there are some notable differences. Primary and SDUs are subject to paying Development Impact fees as well as Affordable Housing Ordinance fees for the first dwelling unit developed on the property (unless exempt). With the exception of size limitations, SDUs are subject to the same development standards as primary dwellings. ADUs and JADUs under a certain size are exempt from various Development Impact Fees. In addition, ADUs are restricted to a single story with a maximum height of 16 feet¹.

For more information on the development standard requirements for SDUs, ADUs, and JADUs see “What Are the Development Standards for Dwelling Units?”

My property is not eligible for a Second Dwelling Unit under SB 9 – can I still construct a dwelling unit in addition to a primary dwelling unit?

An ADU or JADU can be constructed on any property that allows for dwelling units (RD, AR, and AG zones). If you do not qualify for an **SDU** under SB 9, you can still construct an additional dwelling unit (in the form of an ADU/JADU). More information on ADUs/JADUs can be found in the [Accessory Dwelling Unit and Junior Accessory Dwelling Unit Standards](#) handout.

How many dwelling units can I have on my property?

If an **Urban Lot Split** is approved, the maximum number of dwelling units on any resultant parcel is two (see Page 4) for a cumulative total of four dwelling units. Property owners that qualify for SB 9 can choose if they would like to develop their property with up to two dwelling units per parcel using SB 9 or up to three dwelling units (one primary, one ADU and one JADU) under the County’s ADU/JADU policy.

Pursuant to Government Code Sections 65852.21(f) and 66411.7(j)(1), a local agency shall not be required to permit an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the second dwelling unit permitted by SB 9 legislation. Whether the provisions of SB 9 and Government Code Section 65852 (Accessory Dwelling Units) can be combined will be determined by the Board of Supervisors with the final adoption of the SB 9 Zoning Code Amendment.

Urban Lot Split General Questions

What is an Urban Lot Split?

An **Urban Lot Split** is a project proposing to divide a property, of at least 2,400 gross square feet in size, into two resultant lots of roughly equal size.

¹ Can be up to maximum height of 20 feet depending on distance from property line.

What are the lot standards and other requirements for an Urban Lot Split?

In addition to the SB 9 eligibility criteria, the following lot standards must be met to qualify for an **Urban Lot Split**:

- The **Urban Lot Split** will result in no more than two new resultant lots
- Each new lot is at least 1,200 net square feet in size
- The new lots should be approximately equal in size (60/40 minimum proportionality)
- Parcel was not previously subdivided under an **SB 9 Urban Lot Split**
- The property owner shall not act in concert with the owner of an adjacent parcel currently being processed or previously subdivided under an **SB 9 Urban Lot Split**
- The County may require easements for public services and utilities and may require the parcels have access to, provide access to, or adjoin the public right-of-way, but not dedications or offsite improvement conditions
- Objective County Zoning Code development and subdivision standards shall apply as stipulated below

What are the development standards for dwelling units on a resultant (new) lot created by an Urban Lot Split?

Table 1 in this document contains a summary of the **SB 9** development standards for primary dwelling units and **SDUs**.

An **Urban Lot Split** is required to meet the objective subdivision standards of [Zoning Code Table 5.7.A](#) with the exception of minimum lot size requirements. The objective subdivision standards include but are not limited to minimum lot width, public street frontage, or restrictions on the number of lots that can be accessed by a private driveway/road;

A property located within an SPA/NPA or Specific Plan may be required to meet different or additional development standards. Only the requirements related to minimum parcel size for an **Urban Lot Split** can be waived under **SB 9**.

What if a project cannot comply with the standards for an Urban Lot Split?

All applicable standards for an **Urban Lot Split** must be met in order to qualify for the SB 9 ministerial process. Deviations cannot be requested with an **Urban Lot Split**.

Projects that don't meet development requirements or qualify for an **Urban Lot Split** may be able to apply for a parcel map pursuant to County Code Title 22. A parcel map must meet the subdivision standards for the property's zoning district.

As part of the future SB 9 Zoning Code Amendment, the Board of Supervisors may consider additional changes to the subdivision standards. Until such time, the current subdivision standards shall apply.

Does the California Environmental Quality Act (CEQA) apply to projects under SB 9?

No, CEQA does not apply to SB 9 projects (i.e., **Urban Lot Split** and **Second Dwelling Unit**).

Can I remove Native Trees for a project using SB 9?

No. Native tree removal proposed as part of an SB 9 project would make the project ineligible for using SB 9.

What are the Development Standards for SB 9 Dwelling Units?

A newly constructed primary dwelling or **Second Primary Dwelling Unit** must meet the objective development standards listed in [Table 5.7.C of the County Zoning Code](#), with exception of side and rear setbacks, which are reduced to a minimum of four feet for single and two-story dwellings and reduced parking requirements. In addition, SDUs are limited to a maximum of 1,200 square feet of habitable area. This size limitation is being reevaluated in the final version of the **SB 9 Zoning Code Ordinance**.

Table 1: Summary of Development Standards for Primary and Second Primary Dwelling Units under SB 9	
Minimum Front Yard [1] [3]	20 feet without PUPF, 24 feet with PUPF
Minimum Site Street Yard (typically corner or through lot) [1] [3]	12.5 feet without PUPF, 16.5 with PUPF
Side and Rear Yard (1-2 story)[2]	4 feet (overhangs/eaves may only encroach 1 foot to maintain min of 3 foot setback from property line). Please note that setbacks of less than 5 feet may require firewalls or restrictions on non-protected opening as determined by Fire and Building.
Side Yard (3 story)	10 feet
Rear Yard (3 story)	Lot depths greater than 125 feet: 25 feet. Lot depths less than or equal to 125 feet: 20 percent of the average lot depth. May allow projection into rear yard pursuant to Table 5.7.C
Max Height [4]	30 feet (1-2 story) / 40 feet (3 story)

Minimum Building Width	20 feet measured from the smallest projected building width.
Maximum Dwelling Size - SDU only	1,200 square feet of habitable area. Non habitable area shall count towards the square footage of “Residential Accessory Structures” in Table 5.10.A.
Parking	1 space per dwelling. Parking requirement may be waived if project is within ½ mile of major transit pursuant to Public Resources Code Sections 21155 and 21064.3 or there is a car share vehicle within one block of the parcel.
<p><i>Please Note: Parcels that are on well and/or septic systems should consult with the Environmental Management Department (EMD) to verify requirements for development.</i></p> <p>[1] PUPF is a public utility and public facility easement. Contact Technical Resources within County Engineering for more information.</p> <p>[2] No setbacks are required for existing structures or structures rebuilt in the same location with the same footprint. There is no minimum separation distance between structures on a property, except where required by California Building and Fire Codes.</p> <p>[3] A property located within a SPA/NPA or Specific Plan may be subject to different front and side street yard setbacks and other development standards for a new primary dwelling or SDU.</p> <p>[4] A 3 story dwelling is permitted by-right only in the RD-10 zoning district.</p>	

What if a project cannot comply with the standards for a SB 9 Primary or Second Primary Dwelling Unit?

In most cases, all applicable development standards identified in Table 1 above must be met in order to qualify for the SB 9 ministerial process. Minor deviations to development standards (up to 25 percent of the standard) can be allowed with a determination from the Planning Director that the standard would physically preclude either of the two SB 9 dwelling units from being 800 square feet in floor area or would prevent the ability for an **Urban Lot Split**. An example of a minor deviation is allowing for the 20-foot minimum building width to be reduced to no less than 15 feet in width in order for an 800 square foot dwelling to be constructed on the site. A deviation to the minimum building width to allow for a dwelling greater than 800 square feet in size would not be permitted.

To determine if a deviation would be allowed, submit a [research/zoning verification application form](#) along with documentation demonstrating the development standard would physically preclude the development of an 800 square foot primary or secondary dwelling unit.

What are the Development Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units?

The development standards for both ADUs and JADUs is located in [Section 5.4.5.B of the County Zoning Code](#). For more information on ADUs/JADUs including frequently asked questions, refer to the [Accessory Dwelling Unit and Junior Accessory Dwelling Unit Standards](#) handout.

How do I apply for an SB 9 Project?

How do I apply for an SB 9 Second Primary Dwelling (SDU)?

Submit an application to [Building Permits and Inspection \(BPI\)](#) along with plot plan and all required construction documents. Indicate on application form that you are building a second primary dwelling (SDU) pursuant to SB 9. Identify on your plot plan, which dwelling unit is the primary dwelling (no size limitation) and which unit is the SDU (maximum size of 1,200 square feet).

How do I apply for an Urban Lot Split?

The [SB 9 Urban Lot Split Application](#) can be found online on the [PER Application Webpage](#).

- If the answer to any of the questions in **Part C** is “NO,” then the property does not meet SB 9 criteria.
- If the answer to any of the questions in **Part D** is “NO,” the project does not meet the **Urban Lot Split** requirement and the request will be denied.
- **Part E** of the application lists the project materials required to accompany an application submittal.

PER may request additional materials if needed to determine SB 9 eligibility.

PER accepts applications via email and in-person. Instructions on how to submit an application and project materials can be found on the [PER Application Webpage](#). After receipt and initial processing of a completed application, PER will send an invoice for the **Urban Lot Split** fees and payment instructions.

What is the fee for an Urban Lot Split?

The fee associated with an **Urban Lot Split** is \$11,769 and is **non-refundable**.

What is the process for the Urban Lot Split?

After the **Urban Lot Split** fee has been paid, the project will be assigned a Project Manager. The Project Manager will distribute the project to the reviewing departments and agencies. At this stage, applicable conditions may be added to the project. Applicant will be notified if reviews are complete or if corrections will be required. The project will also be discussed and reviewed by the Project Review Committee (PRC). The PRC is not a public hearing, therefore no public noticing is required. Applicant’s attendance is not required, but is still highly encouraged. There are **no required hearings** associated with an **Urban Lot Split**.

The Planning Director is the decision body for an **Urban Lot Split** application. If it is determined that an **Urban Lot Split** application meets all required criteria, written approval including conditions applicable to the project, will be provided to the applicant. It is estimated that the processing time for an **Urban Lot Split** may range between **3 to 6 months**. The review timeframe is highly dependent on an applicant's provision of information and responsiveness to PER's requests.

Please refer to the [Zoning Code User Guide](#) for additional information pertaining to the **Urban Lot Split** process.

Can I have both an Urban Lot Split and Second Primary Dwelling Unit on my property?

If the property meets SB 9 criteria, both an **Urban Lot Split** and a **Second Primary Dwelling Unit (SDU)** can be pursued. For instance, a property may be subdivided via an **Urban Lot Split** resulting in two resultant lots. Following the lot split, a primary dwelling and **SDU** may be constructed on each new lot created by the lot split. This would result in a total of four dwelling units on the original property.

If I want to do both an Urban Lot Split and Second Primary Dwelling Unit on my property, do they have to be processed at the same time?

Concurrent processing or development/construction of an **Urban Lot Split** and related **Second Primary Dwelling Unit** is **not required**. The construction of a primary dwelling unit and Second Primary Dwelling Unit on the resultant lot created by an **Urban Lot Split** can be pursued at a future date.

Please note that an applicant must occupy one of the housing units created by an **Urban Lot Split** as their principal residence for a minimum of 3 years. A property that meets the criteria of SB 9 may also add a **Second Primary Dwelling Unit** without having to do an **Urban Lot Split**.

What is the public notification process for an Urban Lot Split?

When you apply for an **Urban Lot Split**, the Community Planning Advisory Council (CPAC) for the area where the property is located will be notified of the application.

Additionally, all property owners and tenants within **500 feet** of the subject property for an **Urban Lot Split** will be notified of the application. The application and project materials will be available for viewing at [Planning Projects Viewer](#) using the assigned Planning Control Number.

What conditions can be placed on an Urban Lot Split?

A local agency can only place the following types of conditions on an **Urban Lot Split**:

- Easements required for the provisions of public services and facilities;
- Requirement that the property has or provides access to or adjoins the public right-of-way;
- One required off-street parking space per unit;²
- Parcels that are on well and/or septic systems should consult with the [Environmental Management](#)

² Parking requirement not required if property is located within 0.5-mile walking distance from a high-quality transit corridor or major transit stop, or if there is a car share vehicle located within one block of the property.

Department (EMD) to verify requirements for development prior to submitting an application for an **Urban Lot Split**.

Pursuant to SB 9, a local agency cannot impose regulations requiring the dedication of rights-of-way or the construction of off-site improvements for **Urban Lot Splits**.

Are there use restrictions for an Urban Lot Split property?

Uses on resultant lots created through an **Urban Lot Split** are limited to residential uses only.

Is Owner Occupancy Required?

In order for an **Urban Lot Split** to be approved, the applicant must submit a signed affidavit attesting that they intend to reside in one of the dwelling units on either resulting lot as their primary residence for at least three (3) years following the **Urban Lot Split**.

Are Short Term Rentals (i.e., AirBnB) allowed on lots or dwellings created using SB 9?

No. Short-term rentals are not allowed in dwelling units constructed under the provisions of SB 9. This applies to SDUs and newly constructed primary dwellings. Property rentals longer than 30 days are allowed.

Can an Urban Lot Split application be denied?

If an application is submitted, and it is determined the property/project is not eligible or in compliance with the requirements of SB 9 or an **Urban Lot Split**, PER will deny the request. **Fees paid are non-refundable**. SB 9 also allows a local agency to deny an **Urban Lot Split** if the Building Official finds that the project would have a specific, adverse impact on public health/safety or the physical environment and there is no feasible method to mitigate/avoid the impact.

A denial of an **Urban Lot Split** may be appealed by the applicant to the County Planning Commission, acting as the Board of Zoning Appeals (appeal body). As **Urban Lot Splits** are ministerial actions, members of the public do not have standing to appeal an Urban Lot Split decision.

How long does an Urban Lot Split approval last?

An approved **Urban Lot Split** expires 48 months after the date of approval. The approval period can only be extended by actions identified in California Government Code Section 66452.6.

I Have More Questions

No problem! Please email us at sacplan@sacounty.gov for any Planning and Zoning questions.