



# URBAN LOT SPLIT AND TWO-UNIT HOUSING DEVELOPMENTS (SB-9) FAQ

PLANNING



Updated: **January 11, 2022**

*This handout reflects newly enacted state laws effective January 1, 2022. Be advised that this information is **subject to change** as state guidelines and legal interpretations are issued.*

## WHAT IS SB-9?

Senate Bill 9, among other things, requires local agencies to ministerially approve no more than two residential units within a single family residential zone and a parcel map for an urban lot split that meets certain requirements.

## WHICH LOTS CAN BE SPLIT AND BUILD DUETS?

The parcel must be located within a single-family residential zone and have no prior history of enacting SB-9 for a previous lot split. Expanded criteria is listed below.

## WHAT ARE THE REGULATIONS?

As of January 1, 2022, new state laws supersede local ordinances. On December 21st, the Town adopted Resolution No. 85-2021, which identifies applicable objective development standards, subdivision standards, design standards, and minimum submittal requirements related to the implementation of the mandated requirements of State Senate Bill 9, consistent with the requirements of State law.

Urban Lot Splits   Development Standards	
Zoning District:	Any single-family residential district
Allowable Number:	Maximum of two lots where there was previously one
Size:	Minimum of 1,200 square feet One parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision
Owner-Occupancy:	The applicant 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.
HOA Restrictions:	Homeowner associations may prohibit lot splits if restrictions are stated in the CC&Rs and are being actively enforced.
Location:	Within a Town-identified Scenic Hillside or Major Ridgeline Area:

**Urban Lot Splits | Development Standards**

	<ul style="list-style-type: none"> <li>• No new lot shall be created which results in the creation of a building site within 100 vertical feet of the top of the ridgeline, or on a slope that is greater than 30 percent in steepness.</li> </ul> <p>A proposed development cannot be located within:</p> <ul style="list-style-type: none"> <li>• Prime farmland or farmland of statewide importance</li> <li>• Wetlands</li> <li>• Very high fire hazard severity zones</li> <li>• Hazardous waste sites</li> <li>• Delineated earthquake fault zones</li> <li>• Special flood hazard area, unless able to satisfy all applicable federal qualifying criteria</li> <li>• Lands identified for conservation in an adopted natural community conservation</li> <li>• Habitats for protected species</li> <li>• Lands under conservation easement</li> <li>• a historic district, included on the State Historic Resources Inventory, or designated as a Town or County landmark or historic property</li> </ul>
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**Two-Unit Housing Developments | Development Standards**

<p>Zoning District:</p>	<p>Any single-family residential district</p>
<p>Allowable Number:</p>	<p>No more than two housing units shall be allowed on each lot, including a second residential unit, Accessory Dwelling Units, and Junior Accessory Dwelling Units.</p>
<p>Minimum Setbacks:</p>	<p><i>Front and secondary front:</i> Same as required under the applicable zoning district  <i>Side:</i> Same as required under the applicable zoning district  <i>Rear:</i> Same as required under the applicable zoning district</p> <p>*Setbacks are measured to the furthest projecting feature. This includes, but is not limited to, eaves and gutters.</p> <p>Two-unit development may be attached or detached, with no separation requirement.</p> <p>Lots with a zoning designation of R-6, R-7, R-10, R-12, R-15, and are 15,000 square feet or smaller shall have the gross square footage of their second story be limited to be no larger than 80% of the gross square footage of the ground floor of the residence. In addition, the second story shall be recessed a minimum of five feet from the plain on the first floor wall along the primary front elevation and secondary front elevation if the ground story is setback less than 35 feet to the front property line.</p>
<p>Size</p>	<p>A unit is allowed to be a minimum of 800 square feet regardless of development standards.</p>
<p>Maximum Height:</p>	<ul style="list-style-type: none"> <li>• 2½ stories or 35 feet in height, whichever is less</li> <li>• 28 feet if within Town-identified Scenic Hillside area</li> <li>• 24 feet if within a Town-identified Major Ridgeline areas</li> </ul>

Two-Unit Housing Developments   Development Standards	
Parking:	<p>One additional space is required unless:</p> <ul style="list-style-type: none"> <li>The ADU is located within one-half mile walking distance of public transit.</li> <li>When there is a car share vehicle located within one block of the ADU.</li> </ul> <p>* Please refer to our ADU Parking Map for more clarification</p> <p>* The minimum interior dimensions for the garage shall be 10 feet wide by 22 feet deep.</p>
Utilities:	All housing developments shall provide for separate utility connections and meters.
Owner-Occupancy:	The property owner is required to live in one of the two units. The applicant is required to record a deed notification setting forth this requirement.
Rentals:	Long-term rentals (30 days or more) allowed. Short-term rentals prohibited.
Alterations and Demolitions:	<p>Proposed development or lot split may not require the demolition or alteration of:</p> <ul style="list-style-type: none"> <li>Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to moderate, low, or very low income levels</li> <li>Housing that is subject to any form of rent or price control through a public entity</li> <li>A parcel or parcels on which an owner has exercised the rights to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.</li> <li>Housing that has been occupied by a tenant in the last three years.</li> </ul>

## READY TO GET STARTED?

The simple process is outline on following page. Our Planning Division is ready to help guide you along the process, contact them at (925) 314-3310.

## WHAT IS THE PROCESS?

- Step 1**      **Come talk to the Town first.** Decisions, such as pursuing a lot split, have significant implications. While this is an *optional* step, we'd like to help inform your choices.
- Step 2**      **Submit a Complete Application.** When you are ready, submit a planning application with all required plans and documents. Having all necessary documents will help us expedite the review process and minimizes our need to contact you, your engineer or contractor for additional information needed to complete our review.
- Step 3**      **Ministerial Review.** All urban lot splits and two-housing unit developments are subject only to a staff-level review for compliance with applicable laws and standards. Typically, the review involves:

- *Planning Division* to ensure that all applicable development standards are met.
- *Building Division* to ensure that all California building and energy code requirements are met.
- *Engineering Division* (if applicable) to ensure that grading ordinance requirements are met for any new dwelling unit built on a slope or requires onsite grading. Staff will review conditions and will also confirm that any dwelling unit or lot split will not infringe on existing easements.

*Note that urban lot splits and additional dwelling units are still subject to review and approval by other public agencies such as East Bay Municipal Utility District (EBMUD), Central Contra Costa Sanitary District (Central SAN), and San Ramon Valley Fire Protection District (SRVFPD).*

#### Step 4

**Housing Development: Building Permit Issuance.** When all of the submitted plans have been reviewed and approved, your permit will be ready for “issuance.” At this point, one of our Permit Technicians will contact you to pick up your permit and pay applicable fees. Having a building permit in hand provides an “authorization to proceed” with construction.

**Urban Lot Split: Tentative Map Approval.** Once Town staff has determined that the tentative map complies with all requirements and is ready for approval, staff will work with the applicant to prepare the parcel map.

#### Step 5

**Housing Development: Construction and Inspections.** Town inspectors will be onsite at various phases of building construction to ensure that the structure is built according to plan. Note that the person performing the work has the obligation to schedule all required inspections.

**Urban Lot Split: Parcel Map Recordation.** Once Town staff has determined that the parcel map complies with all requirements, it will be recorded by the Contra Costa County Clerk-Recorder’s Office. It is the applicant’s responsibility to have the parcel map recorded.

#### Step 6

**Housing Development: Building Occupancy.** Once construction has passed all the required inspections and obtained approvals from outside agencies, then a Certificate of Occupancy can be issued. You or your contractor may arrange to pick up the Certificate of Occupancy at the Danville Permit Center. Once your certificate is in hand, the dwelling unit may be occupied.