



SENATE BILL 9 (SB 9): Guidance Document

What is Senate Bill 9 (SB 9)?

Senate Bill 9 (SB 9): SB 9 was adopted by the City Council on May 12, 2022 and is effective in Capitola's R-1 zoning district. SB 9 is a state law that requires cities and counties to ministerially allow, in single-family zoning districts, either or both of the following:

- A housing development of no more than two units at least up to 800 square feet each; and/or
- The subdivision of a parcel to create two approximately equal parcels (i.e. 40/60 or 50/50 split) with a minimum lot size of 1,200 sf for each new lot.

Which lots are eligible for SB 9?

Eligible Site: SB 9 applies only to parcels in single-family residential zone (R-1).

Prohibited Sites: SB 9 projects cannot be located in the following areas -

- 100-year floodplain or a floodway
- Environmentally Sensitive Habitat areas
- Hazardous waste sites
- Earthquake or Geologic Hazards zones
- Historic or Potentially Historic districts or properties

SB 9 projects cannot demolish or alter the following types of housing units:

- Price restricted housing, including deed-restricted affordable housing.
- Housing that has been occupied by a tenant in the last three years.

How do I apply for an SB 9 unit or subdivision?

Ministerial Review Process: The Planning Department recommends at least one preliminary informal review of the project plans by a Planner prior to formal submittal to evaluate eligibility. The formal submittal process would require submittal to the Planning Department for an administrative permit for either a SB 9 development project or an Urban Lot Split. Urban Lot Splits, once approved, require a Final Map review prior to recordation. No public hearings or discretionary review will be conducted for SB 9 projects.

Accessory Dwelling Units (ADU):

- A lot subdivided under SB 9 is eligible to be developed as a duplex or have one ADU or JADU on each resulting lot. Created lots may have up to two units total and are subject to the Development Standards Table 17.75-2.
- A lot that is not subdivided is eligible to have the same ADU or JADU combinations as is permitted in the R1 zoning district.

Development Standards: The development standards listed in Table 17.75-1 apply for maximum height, unit size, open space, and setbacks; however, the City may waive any standards that physically precludes the construction of an up to 800 square foot (sf) unit, as required by state law. Each unit requires provision of one parking space unless exceptions to parking standards apply (see 17.75.050D). A summary of development standards is provided in the table below:

Maximum Height	16 ft. for one story building. 20 ft. plate height for two story building with roof peak allowed 3 ft. above plate height
Maximum Unit Size	1,200 sf. if two units and 800 sf. if three or four units
Open Space	Minimum 48 sf. per unit
Minimum Setback	Front setback 15 ft. for units and 20 ft. for garage, 4 ft. for rear and side
Minimum Lot Size	1,200 sf. and each new lot must be at least 40% of the size of the original lot
Required Parking	One parking space per unit unless exemptions apply

Deed Restrictions: SB 9 units will be prohibited from being used as short-term vacation rentals (VRU) and SB 9 subdivisions will also be prohibited from further subdivision under SB 9 law. These prohibitions will be recorded against the property via a deed restriction which must be executed by the property owner prior to issuance of a Building Permit. Applicants for SB 9 subdivisions must also record an affidavit stating their intent to occupy one of the units on the property for 3 years from approval of the subdivision.

Selling SB 9 Units: SB 9 lots are eligible to be sold as a fee simple lot after recording of the final map.

Environmental Review: SB 9 projects, as ministerially approved projects, are statutorily exempt from the California Environmental Quality Act (CEQA). No environmental documents will be required.

Subdivision Requirements:

- The City does not require dedication of right-of-way, construction of offsite improvements or correction of non-conforming zoning conditions for SB 9 subdivisions.
- Each new lot must be at least 1,200 sf and must be at least 40% of the size of the original lot.
- Lots previously subdivided via SB 9 cannot be subdivided again under the SB 9 process.
- Lots adjacent to a property previously subdivided under SB 9 owned by the same property owner or by another person or entity acting jointly, in partnership, or in a cooperative relationship with that same property owner may not be subdivided under SB 9.
- All requirements of the Subdivision Map Act (Gov. Code section 66410 et seq.) apply.

Development Application Fees: Processing fees for SB 9 units and Urban Lot Splits apply. Actual fees for each project will be based on the City's annual Fee Schedule.

Impact Fees: Impact fees applicable to new unit construction/conversion do apply to newly constructed SB 9 units.