

SB 9 Overview



*OC Planning Commission Agenda Item #3
December 8, 2021*

What is SB9?

- SB9 added Government Code sections 65852.21, 66411.7 and amends Government Code Section 66452.6
- SB9 has two major components, it requires ministerial (by right) approval of:
 - Two-unit developments on a single-family zoned parcel
 - Splitting a single-family zoned parcel into two (2) new parcels (Urban Lot Split)
- Effective January 1, 2022

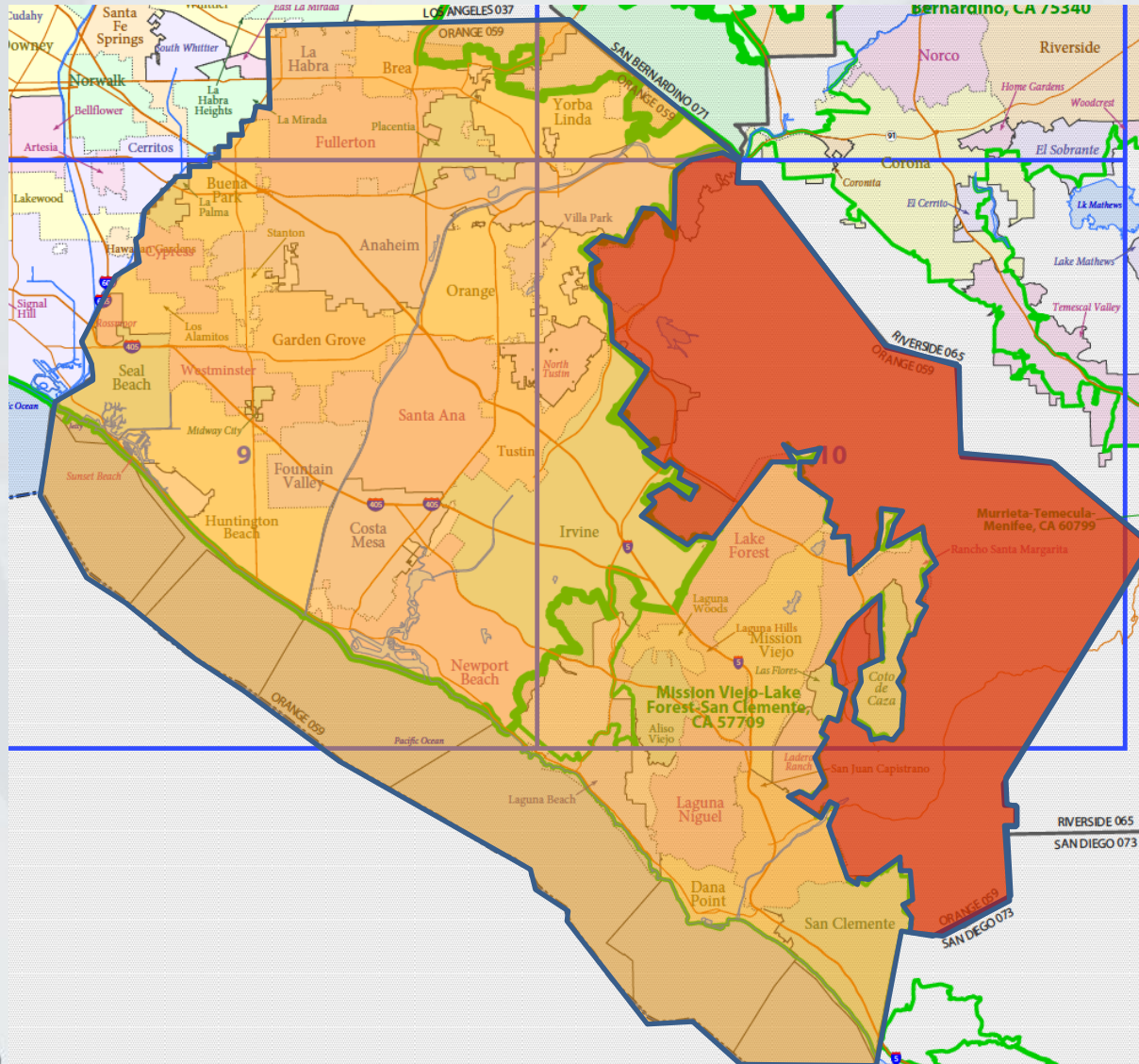




SB9 Primary Qualification Criteria

- To qualify the property must:
- Be located in a Census defined Urbanized Area or Urbanized Cluster; and
 - Be located on a property that is zoned single-family residential; and
 - Have the ability to be served with water and sewer



Orange County Urbanized Areas



-  OC Urbanized Areas
-  OC Non-Urbanized Areas



Two-Unit Development: General Criteria

- The general criteria for two-unit developments are as follows:
 - Must allow a for the development of two (2) units with a minimum size of 800 square feet. No maximum is set in the legislation
 - Units must maintain a minimum of a four (4) foot side and rear setback
 - The County may impose other “Objective Development Standards” that do not conflict with the criteria above



Two-Unit Development: General Criteria

- No discretionary permit required if the project meets all criteria
- Units on a single lot may be attached or detached
- Two (2) unit developments per lot are allowed with or without an Urban Lot Split
 - (Up to 2 units on a lot without an Urban Lot Split or up to 4 units with an Urban Lot Split)
- Construction must comply with all building and safety requirements



Two-Unit Development: Parking

- A maximum of one (1) space is required per unit
- No parking is required if either of the following are true:
 - The site is within ½ mile walking distance of a High-Quality Transit Corridor
 - The site is located within one (1) block of a car share vehicle



Two-Unit Development: Demolition

- The project cannot result in the demolition or alteration of:
- Income restricted units (affordable housing or rent controlled)
 - Housing withdrawn from the rental market in the last 15 years
 - Housing occupied by a tenant in the past three (3) years
 - Historic structures



Two-Unit Development: Demolition

- The Project cannot result in the demolition of more than 25% of the existing exterior structural walls, unless at least one of the following conditions applies:
 - It is allowed by local ordinance
 - The site has not been occupied by a tenant in the last three (3) years



Urban Lot Split: General Criteria

- The general criteria for an Urban Lot Split is as follows:
- Resulting lots shall be a minimum of 1,200 square feet
 - Resulting lots must not be any smaller than 40% of the size of the original lot (Maximum 60/40 split)
 - Affidavit is required by owner that they intend use one of the resulting units as their principal residence for at least 3 years from the map approval date

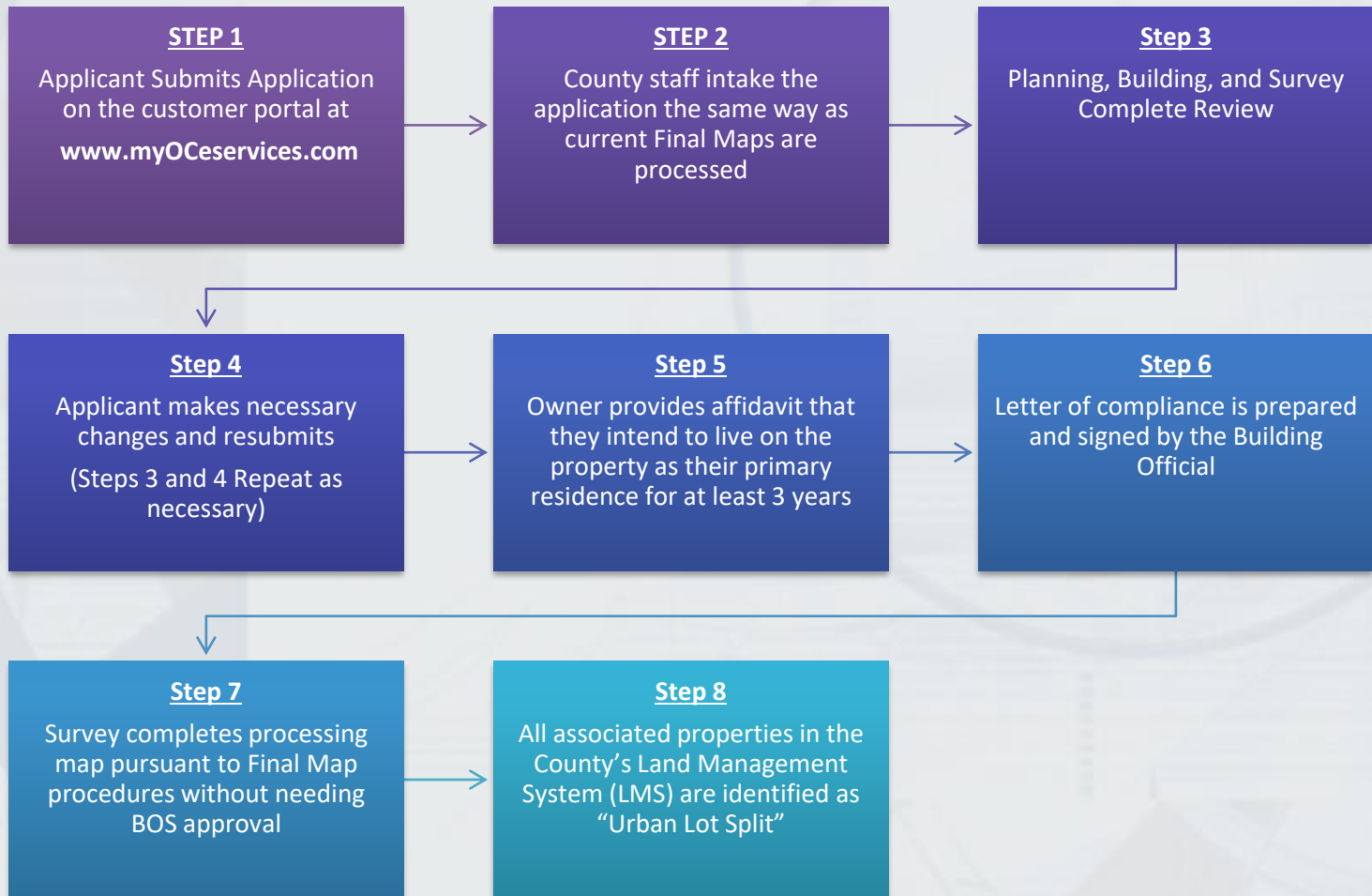


Urban Lot Split: General Criteria

- New lot lines need to maintain a minimum of a four (4) foot setback from the existing residence
- All lots must have direct access or easements to provide access
- Parcels can only be split one (1) time



Urban Lot Split: Processing Overview



Frequently Asked Questions

- Can an “SB9” unit be used for a Short-Term Rental?
- How does SB9 work with ADU’s and JADU’s?
- Does SB9 apply to Specific Plans and/or Planned Developments?
- Does there need to be an existing residential unit to do an Urban Lot Split?
- Can properties with an existing single-family home in an area not zoned for single-family use rely on SB9?
- Is there a timeframe in which SB9 developments must start construction?



QUESTIONS

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