



# **Senate Bill 9: Two-Unit Developments and Urban Lot Splits**

**Chula Vista City Council**

**April 26, 2022**

**December 16, 2020 – “Building Opportunities for All”  
Senate Housing Package Introduced**

**August 30, 2021 – CA Legislature Adopts SB 9**

**September 16, 2021 – Governor Newsom signs SB 9  
into law**

**January 1, 2022 – SB 9 effective throughout  
California**

**April 13, 2022 – City of Chula Vista Planning  
Commission; passed 5-0-0**

**April 26, 2022 – City of Chula Vista City Council  
Agenda Item 7.3**



## **SB 9 HISTORY**

SB 9 allows homeowners to:

- Create a duplex on a single-family residential zoned parcel
- Create a detached **two-unit development** on a single-family residential zoned parcel
- Subdivide their existing single-family residential zoned property via an **urban lot split**
- Sell one of the newly created parcels from the subdivision of the original parcel

## California Jurisdictions must:

1. Ministerially approve two-unit developments in single-family residential zones
2. Ministerially approve urban lot splits in single-family residential zones
3. Allow for up to a total of four units on single-family residential parcels, subject to size and other statutory qualifications

## California Jurisdictions **cannot**:

Utilize non-objective zoning or development standards to prevent a two-unit development or urban lot split

Require an otherwise eligible two-unit development or urban lot split to go through a discretionary decision-making process

SB 9 is **not** applicable in:

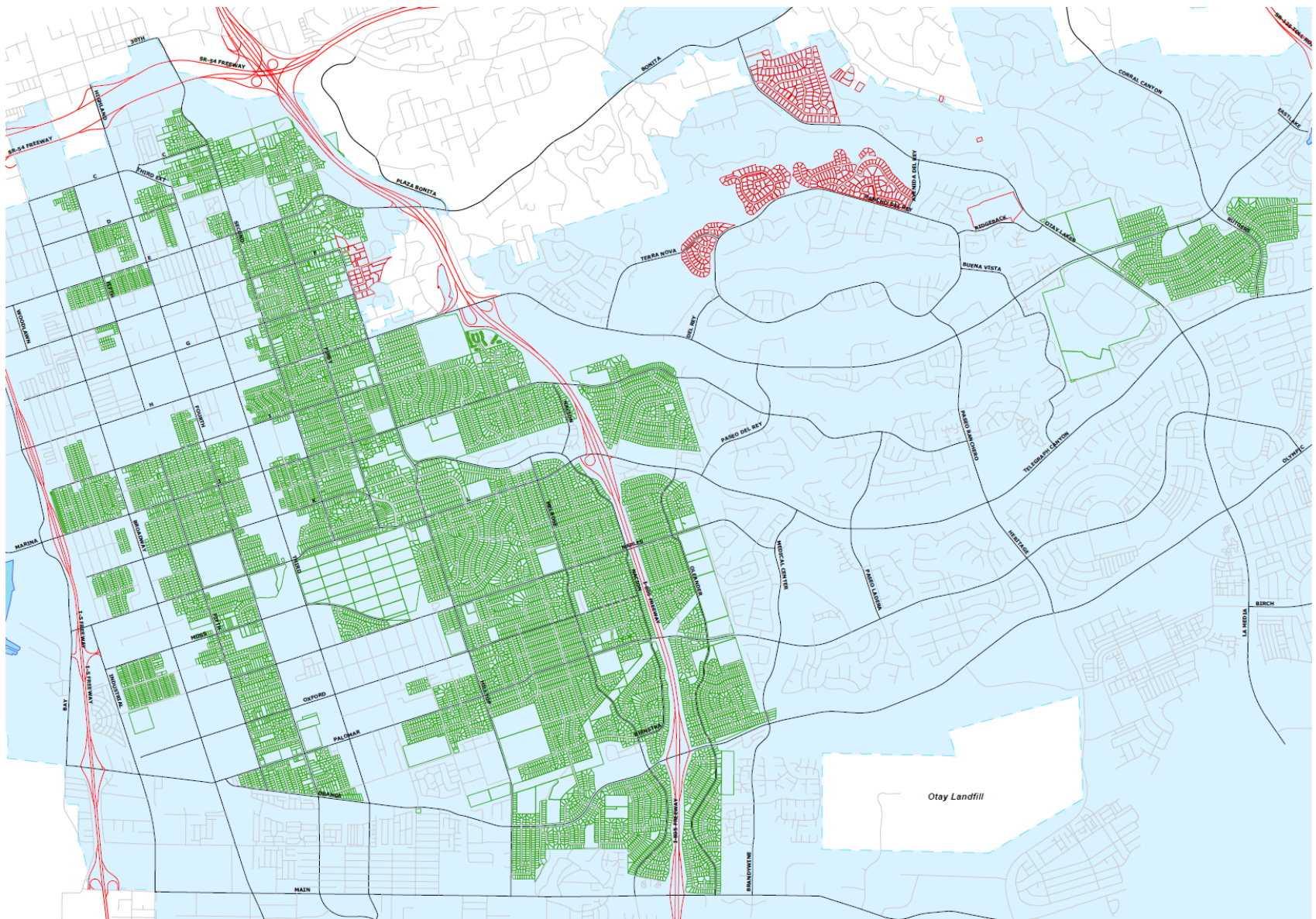
- Coastal Zone
- Prime farmland
- Wetlands
- High fire severity zones
- Hazardous waste sites
- Delineated earthquake fault zones
- 100-year flood zone
- Floodway
- Conservation Lands
- Protected Habitat
- Lands Under a Conservation Easement

## SB 9 EXEMPTIONS

SB9 only applies to municipal and county governments and not to HOAs.

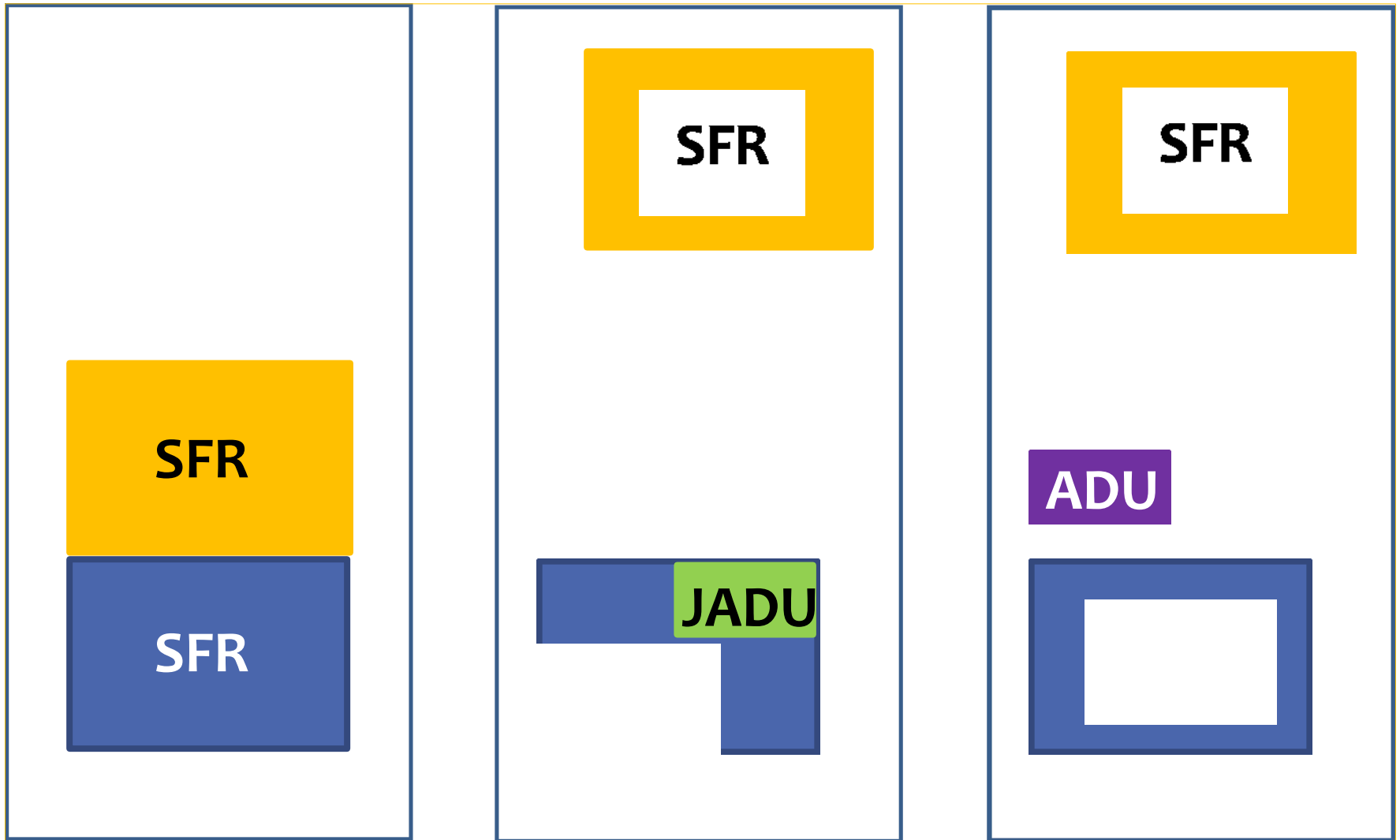
- *AB670 (ADUs) specifically applied the ADU regulations to HOAs*
- *SB9 would have had to follow AB670's lead and expressly require HOAs to adhere to SB9's requirements*
- *Some HOAs may already prohibit lot splits, while others may need to amend their CC&Rs*
- *Senate President pro tempore Atkin's office has confirmed SB9 does not apply to HOA communities*



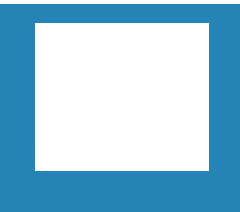
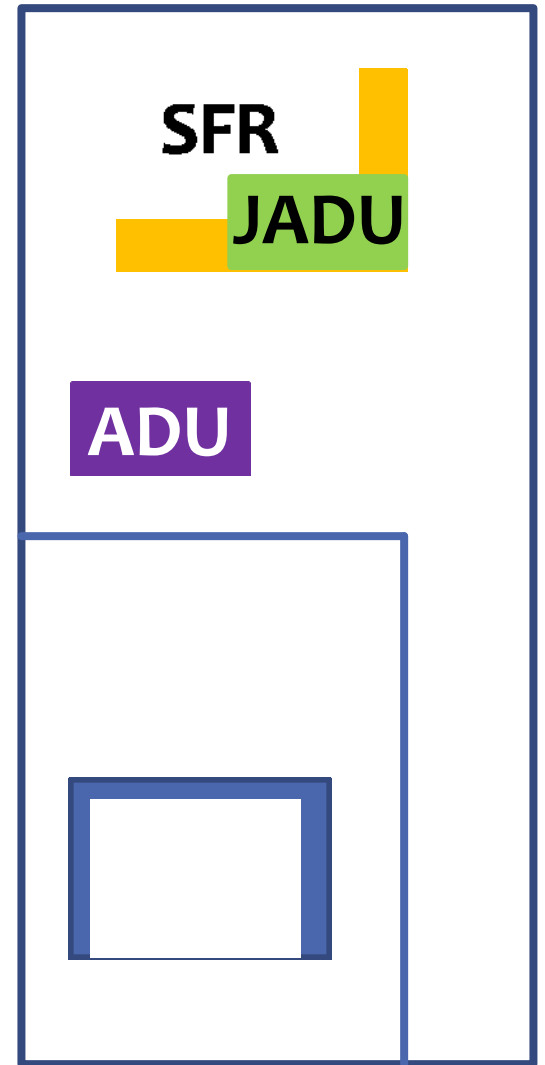
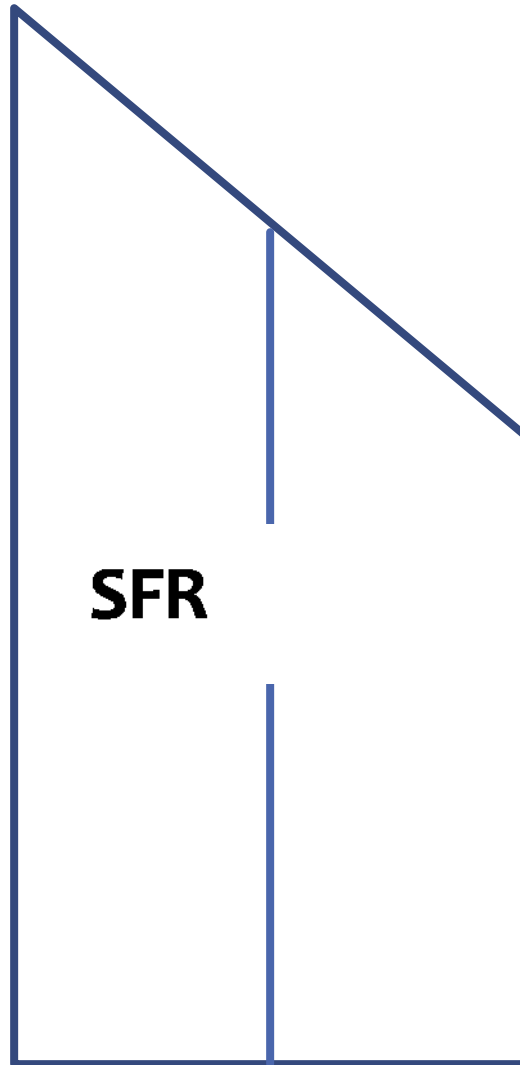
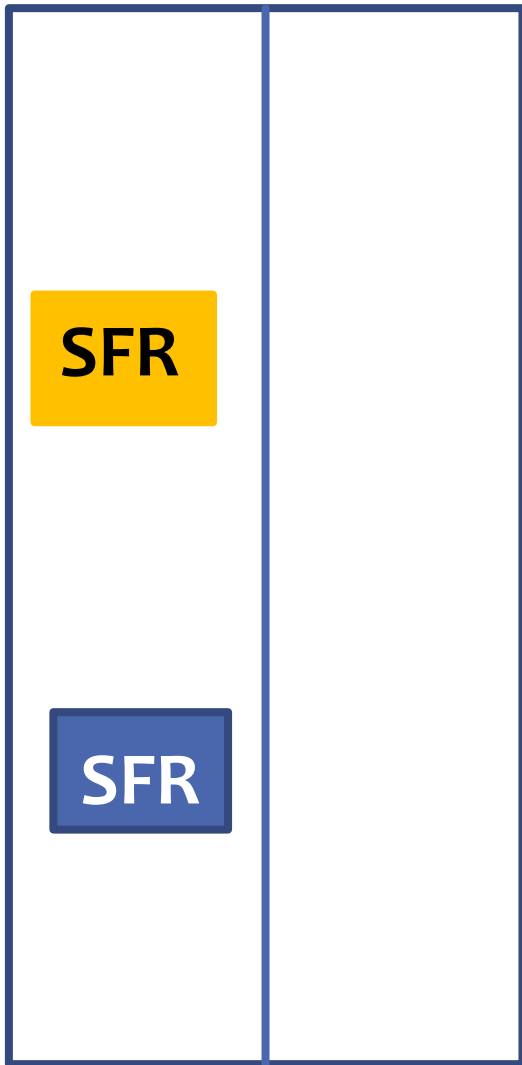


# R-1 and R-E ZONES





## SB 9 and ADUs





# **RECOMMENDATION**

**Conduct a public hearing and place an ordinance on first reading to amend Chula Vista Municipal Code, Chapters 18.18 and 19.58; and Sections 5.68.050, 19.22.020, and 19.24.020.**

# BACKUP SLIDES



# R-1, R-E and SFR ZONES

**SB 5 (Atkins, Caballero, McGuire, Roth, Rubio, Skinner, Wiener)** - Senate Housing Bond – Enacts the Affordable Housing Bond Act of 2022 which places a \$6.5 billion dollar bond before the voters on the November 2022 ballot to fund affordable rental housing and homeownership programs. **In Committee.**

**SB 6 (Caballero)** - The Neighborhood Homes Act – Authorizes residential development on existing lots currently zoned for commercial office and retail space such as strip malls or large “big box” retail spaces. This bill requires the development of residential units be at a minimum density to accommodate affordable housing and abide by existing local planning and development ordinances. **In Committee.**

**SB 7 (Atkins)** - The Housing + Jobs Expansion & Extension Act – Seeks to improve the California Environmental Quality Act (CEQA) process by extending and expanding provisions of AB 900, which streamlined paperwork and expedited legal challenges to large, multi-benefit housing, energy, and manufacturing projects. This bill extends the 2021 ‘sunset’ of AB 900, which created jobs and investment in the state, through 2026. **Signed by Governor – 5/20/21.**



**SB 8 (Skinner)** - Extends the provisions of SB 330, the Housing Crisis Act of 2019, until 2030. This bill adds clarifying language to ensure the intent of SB 330 to streamline the production of housing that meets a local jurisdiction's existing zoning and other rules is met. **Signed by Governor – 9/16/21.**

**SB 9 (Atkins)** - California Housing Opportunity & More Efficiency (HOME) Act - Promotes neighborhood-scale residential development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot in residential areas. This bill builds on the successful approach of Accessory Dwelling Units (ADUs) and expands options for homeowners who wish to be part of the solution in solving California's housing crisis.

**Signed by Governor – 9/16/21.**

**SB 10 (Wiener)** - Senate Bill 10 allows cities to upzone areas close to job centers, transit, and existing urbanized areas to allow up to ten units without having to go through the lengthy CEQA process. SB 10 will make it easier for cities to build housing affordable to young people and working families.

**Signed by Governor – 9/16/21.**

**SB 290 (Skinner)** - Senate Bill 290 improves and clarifies the state's Density Bonus statute to ensure it achieves its intended outcome of increasing affordable housing production. This bill will make it easier to build density bonus projects and provides incentives to build affordable housing for low-income students. **Signed by Governor – 9/28/21.**

**SB 330 (Durazo)** - Senate Bill 330 provides flexibility to community college districts to utilize joint occupancy agreements to create affordable workforce and student housing. **Signed by Governor – 10/06/21.**

**SB 477 (Wiener)** - Senate Bill 477 expands California's housing data collection so the state and public can better understand the impact of state housing laws and determine the progress made by various cities and counties in meeting regional housing goals. **Vetoed by Governor – 10/5/21.**

**SB 478 (Wiener)** - Senate Bill 478 allows construction of small multifamily projects (3-10 units) in areas already zoned for multifamily housing, by ensuring that artificially low floor-area ratio regulation do not stop otherwise allowable projects. This bill also opens up small, legally created parcels for development. **Signed by Governor – 9/28/21.**

**SB 791 (Cortese)** - Senate Bill 791 creates a technical assistance unit within the Department of Housing and Community Development that will provide assistance to local agencies to help them plan, finance, and develop affordable housing on their surplus land. **Signed by Governor – 9/28/21.**