



# Senate Bill 9

## Lot Splits and Two-Unit Developments

### Frequently Asked Questions

#### What is Senate Bill 9 (SB-9)?

SB-9 is a California state law that provides new opportunities to create new lots and add homes to existing lots. Where the applicable criteria are met, all local agencies, including the City of Clovis, must allow the following (SB-9 projects) through a ministerial review process:

- Two attached or detached homes on a parcel within in a single-family residential zone; and/or
- Subdivision of one lot into two lots within a single-family residential zone.

#### When did SB-9 go into effect?

The law is effective as of January 1, 2022.

#### Does state law require the City of Clovis to comply with SB-9?

The law is state-mandated and applies to all jurisdictions in California, including the City of Clovis. SB-9 overrides local regulations related to land use and density within all single-family zone districts in Clovis.

#### Where are SB-9 projects allowed in the City of Clovis?

SB-9 applies to all lots in single-family zones including R-R (Rural Residential), R-A, R-1-A, R-1-AH (Single-Family Residential Very Low Density), R-1, R-1-B, R-1-C (Single-Family Residential Low Density), R-1-MD (Single-Family Residential Medium Density), and R-1-PRD (Single-Family Planned Residential Development). To determine if your parcel is zoned single-family, please visit the following link: [Zoning on My Property](#).

#### How many homes are allowed on a lot?

Prior to SB-9, a single-family zoned lot allowed a maximum of three dwelling units on any one lot: one primary home; one accessory dwelling unit (ADU); and one junior accessory dwelling unit (JADU). Under SB-9, a single-family zoned lot allows:

- Two homes plus one ADU and/or one JADU without an SB-9 lot split; or
- Up to two homes on each lot created by an SB-9 lot split.

*See Development Scenarios below for more information.*

#### What development standards must be met?

SB-9 projects shall comply with the following site development standards:

- **Setbacks:** a minimum of four-foot interior side and rear yard; front yard and street side setbacks shall comply with the underlying zoning district development standards
- **Parking:** a minimum of one off-street parking space per home unless the lot is located within one-half mile walking distance of a high-quality transit corridor, or a major transit stop or there is a car share vehicle located within the block of the lot
- The project shall comply with the height limits and lot coverage of the underlying zone district

*The City must allow the construction of two homes of a minimum of 800 square feet; therefore, some development standards may be relaxed or waived in order to allow construction of two 800 square foot homes.*

In addition to the site development standards described above, SB-9 lot splits shall comply with all of the following:

- Each new lot created must be a minimum of 1,200 square feet.
- The split must result in new lots of approximately equal size; one lot shall not be smaller than 40 percent of the lot area of the original lot.
- Easements may be required for the provision of public services and facilities.
- Access to or adjoining a public right-of-way is required.
- The applicant shall sign an affidavit that the applicant intends to occupy one of the homes as their principal residence for a minimum of three years from the date of approval of the SB-9 lot split or final approval for occupancy of a new housing unit, whichever is later.

#### Are there development restrictions?

SB-9 projects cannot include:

- Demolition or alteration of housing that is rent restricted for affordable housing and/or any form of rent or price control, or housing that has been occupied by a tenant in the last three years.
- A lot in which an owner of any residential property has exercised owner's rights of the Ellis Act (California Government Code Section 7060) within the past 15 years from date of application.
- Demolition of more than 25 percent of existing exterior structural walls, unless the home has not been occupied by a tenant in the last three years.

## Development restrictions continued:

In addition to the development restrictions listed above, SB-9 lot splits:

- Cannot occur on a lot which was created through prior exercise of an SB-9 lot split.
- Cannot be completed on adjacent lots by the same property owner, or by an owner acting in concert with the owner of an adjacent lot.

## Can I build an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) with SB-9 projects?

If an applicant utilizes the provisions of a SB-9 lot split, a maximum total of 2 dwelling units on each lot, including ADUs or JADUs, are permitted. If an SB-9 lot split isn't utilized, one ADU or one JADU may be allowed with a two-unit development.

## Can I demolish my existing home to split my lot and build new homes?

An existing home may be demolished if it has not been occupied by a tenant in the last three years. The applicant shall sign an affidavit stating they will occupy one of the new homes as their primary residence for a minimum of three years from final approval for occupancy of one of the new housing units.

## Will SB-9 projects require a public hearing?

No, SB-9 requires a ministerial review process which is a staff level process not involving a public hearing.

## Are my neighbors required to be notified?

No, there is no neighborhood notification requirement for any SB-9 project.

## Can homes created by SB-9 provisions be used for short term rentals (such as Air BnB)?

Any home created under SB-9 cannot be used as a short term rental or any other use other than residential and must be rented for a term of longer than 30 days.

## Are SB-9 projects allowed in Homeowners Associations (HOA)?

State law does not address regulations or restrictions imposed by HOAs; if your property is within a HOA or has Conditions, Covenants, and Restrictions (CC&Rs), please verify that a project, under SB-9, would not be in conflict with your property's CC&Rs or HOA rules.

## Are there other restrictions that apply?

- SB-9 projects are not permitted on farmland, wetlands, very high fire severity zones, hazardous waste sites, earthquake faults/zones, special flood hazard areas, floodways, land identified for conservation, habitat for protected species, or land under conservation easement.
- SB-9 projects cannot be located in a historic district or on a site that is included on the State Historic Resources inventory.
- A local agency may deny SB-9 projects if the building official makes a written finding based upon evidence, that the proposed housing development project would have specific, adverse impacts on public health, safety or the physical environment that is not feasible to mitigate.

## How can I apply for an SB-9 project?

Property owners interested in SB-9 projects (SB-9 lot split, two-unit development, or both) shall contact the Planning Division at (559) 324-2340 or via email at [planning@cityofclovis.com](mailto:planning@cityofclovis.com) to determine if their property qualifies.

## TWO-UNIT HOUSING PROJECT ALTERNATIVES - NO LOT SPLIT



A. 1 Existing SFD + 1 New SFD



B. 2 New SFDs



C. 1 Existing SFD + New SFD + 1 ADU and/or 1 JADU



D. 2 New SFDs + 1 ADU and/or 1 JADU

## SB-9 LOT SPLIT ALTERNATIVES



E. Lot 1 - 1 Existing SFD + New SFD  
Lot 2 - 2 New SFDs



F. Lot 1 - 1 Existing SFD + Existing ADU treated as a SFD under SB-9  
Lot 2 - 2 New SFDs



G. Lot 1 - 1 Existing SFD  
Lot 2 - 2 New SFDs



H. Lot 1 - 2 New SFDs  
Lot 2 - 2 New SFDs