Senate Bill 9 (SB 9): An Overview
What It Is and How It Impacts Residential Land Use

Senate Bill 9 (SB 9) is a new California State Law taking effect January 1, 2022.

Similar to previous state legislation on Accessory Dwelling Units (ADUs), SB 9 overrides existing local density limits in single-family residential zones. SB 9 is intended to support increased supply of starter and modestly priced homes by encouraging building of smaller houses on existing or subdivided small lots.

SB 9 Allows For:

Building Two Homes on One Lot in a Single-Family Residential Zone

Subdividing One Lot into Two in a Single-Family Residential Zone

What It Can Mean for Development of New Homes?
Illustrations are based on a preliminary analysis of the law. Details are subject to change and are for informational purposes only.

Without a Subdivision (Lot Split)

Two detached single-family units

One two-family unit

With a Subdivision (Lot Split)

Two detached single-family units on each lot

One single-family unit, one two-family unit

Two two-family units

Two single-family units

What About Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)?

Using SB 9 Without a Subdivision (Lot Split)
Current ADU and JADU regulations will continue to apply pursuant to Government Code sections 65852.2 and 65852.22.

Using SB 9 With a Subdivision (Lot Split)
A maximum of two units will be allowed, in any combination, inclusive of ADUs and JADUs pursuant to Government Code sections 65852.2 and 65852.22, on any lot created by an SB 9 lot split.

For additional information regarding SB 9, please contact the County of Ventura's Planning Division at plan.counter@ventura.org, by calling 805-654-2488, or by visiting vcrma.org/divisions/planning.
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**Application in Unincorporated Ventura County**

### Does the Project Qualify?

#### For Two-Unit Development or Lot Splits
- Project must be within a single-family residential zone: R1, RES, RO, CR1 or CRE.
- Project must be located wholly within an urbanized area or urban cluster.
- Property cannot be located within any of the following:
  - Prime farmland or farmland of Statewide Importance;
  - Land identified for conservation or land under a conservation easement;
  - Habitat for protected species;
  - A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a County Landmark or historic property or district;
- A High or Very High Fire Hazard Severity Zone per the State Responsibility Area, or a Very High Fire Hazard Severity Zone per the Local Responsibility Area.
- Property can be located within the following areas ONLY if certain specified requirements are met:
  - A hazardous waste site as determined by the State;
  - Within a delineated earthquake fault zone;
  - Within a 100-year floodplain or floodway.
- Project qualifies if it does not alter nor demolish any of the following:
  - Deed-restricted affordable housing;
  - Rent-controlled housing;
  - Housing on lots with an Ellis Act eviction in last 15 years;
  - Housing currently occupied by a tenant, or occupied by a tenant in the last three years;
- Project cannot demolish more than 25% of exterior walls on a building that currently has a tenant or has had a tenant in the last three years, even if the rental unit isn’t altered.

### Limitations Applied

#### For Two-Unit Development or Lot Splits
- Only objective zoning standards, subdivision standards, and design standards can be applied. However, these standards cannot preclude the construction of two units of at least 800 sq. ft.
- Project must be for residential uses only.
- Projects must follow development standards pursuant to NCZO section 8106-1.1, and CZO section 8175-2 (e.g., height, lot coverage, and other development standards).
  - Exception: A rear or side yard setback of maximum 4 feet can be required. No additional setback will be required if a project utilizes an existing legally permitted structure or rebuilds an existing legally permitted structure in the same location and to the same dimensions as the existing structure.
- One (1) parking space per unit will be required, unless the project is within 1/2 mile of “high-quality transit corridor” or “major transit stop”.
- Applicant must sign an affidavit stating that units created by SB 9 can only be used for rentals of more than 30 days.
- Proposed housing may include connected structures as long as they comply with building code safety standards and are sufficient to allow separate conveyance.
- For projects utilizing an existing or proposed new onsite wastewater treatment system, adequate septic feasibility must be demonstrated to the satisfaction of the County Environmental Health Division.
- Project must conform to all relevant objective requirements of the Subdivision Map Act.
- The County may require easements for provision of public services and facilities, and for the lots to provide access to, or adjoin the public right-of-way. (Applies to lot splits only)
- Applicant must provide a “will serve” letter from the lot’s applicable water purveyor or a Certification of Water Quality from Environmental Health Division for lots using individual or shared water wells.
- Applicant must sign an affidavit stating they intend to live in one of the units for at least three years on a lot split, unless the applicant is a “community land trust” or a “qualified non-profit corporation” as defined by the Revenue and Taxation Code.
- Project may be denied if the County Building Official makes a written finding of specific, adverse impacts on public health or safety, with no feasible method to mitigate or avoid impact.

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1. As designated by the US Census Bureau.
2. Any future subdivision is subject to the County’s Subdivision Ordinance and the Subdivision Map Act.
3. “Objective” as defined by Gov. Code sections 65852.21(i)(2) and 66411.7(m)(1)
5. Coastal Zoning Ordinance.
6. As defined in Sections 21155 & 21064.3 of the Public Resources Code.

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