



CITY OF POWAY

DEVELOPMENT SERVICES DEPARTMENT

SB 9 Developments & Urban Lot Splits: General Information

What does Senate Bill 9 (SB9) do?

The Bill mandates jurisdictions, like the City of Poway, to ministerially approve a housing development containing no more than two (2) residential units on a single lot within a single-family residential zone, excluding certain areas (“units” is inclusive of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)).¹ ADUs may be permissible after two (2) main single-family residences on a single lot are established.² Additionally, the City must ministerially process an Urban Lot Split in accordance with SB9 and eligible development standards.

How do I apply and obtain permits for a SB9 development and Urban Lot Split?

Hire a designer or architect to prepare building plans, provide four (4) sets of plans in compliance with the application requirements and guidelines and in compliance with the restrictions specified herein, then apply and pay applicable plan check fees. Corrections on plan check reviews must be addressed before the application is approved and ready to issue. Once the building permit is approved, pay applicable issuance and impact fees,³ obtain your permit and begin building. For an Urban Lot Split, civil drawings prepared by an engineer are also required for the submittal and a ministerial Tentative Parcel Map (TPM) then a Final Map with appropriate fees are required.

For SB 9 Developments and Urban Lot Splits	
Qualifying Properties	Limitations
<p>Only properties that are zoned primarily for single-family residences qualify (e.g., RS-1 thru RS-7). The following areas are also excluded from SB9 developments (including properties with portions in the following areas):</p> <ul style="list-style-type: none"> A. Rural Residential (RR) RR-A, RR-B, and RR-C and open space zones; B. Wetlands (ref. U.S. Fish and Wildlife Service Manual); C. A hazardous waste site; D. A historic district or a historically designated site; E. A Very High Fire Hazard Severity Zone (common); F. A special flood hazard area or regulatory floodway, unless certain requirements are met; and/or G. Lands identified for conservation in the Habitat Conservation Plan (HCP) Mitigation Areas, sensitive habitat areas, and/or an open space easement or open space zoning designation. 	<p>Approval of a SB9 development cannot involve the demolition or alteration of structures if the property contains:</p> <ul style="list-style-type: none"> A. Affordable or rent controlled housing; or B. Housing occupied by a tenant within the last three years.⁶ <p><i>Note: Rental terms must exceed thirty days. Separate sewer and water connections are required for all SB9 units.</i></p>
	Parking Requirement
	A minimum of one off-street parking space per unit is required per lot. ⁷
	Setback Requirements
	<ol style="list-style-type: none"> 1. A minimum of four-foot interior side and rear yard setbacks. Front yard and street-side yard setbacks must comply with designated zoning standards. 2. If a unit does not meet PMC required setbacks for a main single-family residence, then height is limited to one story and the SB9 unit can't exceed 16 feet above the average finished grade. 3. A minimum 10 ft. distance between all structures is required. 4. No setback shall be required for a legally permitted structure that is replaced or converted to a SB9 unit.
Objective Design/Development Standards	
The project must comply with the objective community design themes and development standards found in the City's General Plan and the Poway Municipal Code (PMC), ⁴ including landscape ⁵ and slope area requirements. The project's design and development must comply with the City of Poway's Best Management Practices Manual and the Poway Municipal Code. Existing properties already subject to Priority Development Project standards shall obtain prior approval from the City Engineering staff for additional impervious area since it may require the addition of or alteration of storm water facilities and strategies.	

¹ Reference City of Poway's "Accessory Dwelling Units and Junior Accessory Dwelling Units: General Information" handout.
² Lots with existing multi-family dwellings can permit ADUs per Govt. Code Section 65852.2(C) or Govt. Code Section 65852.2(D). Existing ADUs may be able to be converted to a "primary residence" through the Administrative Remedy Letter process. All conversions are subject to application and impact fees.
³ A credit will be applied for previous impact fees paid on an ADU converted to a main single-family residence as applicable.
⁴ Reference Govt. Code Section 65852.21(b)(1).
⁵ Reference PMC Section 17.08.230(D).
⁶ An affidavit specifying rental status in compliance with SB9 shall be required. If the unit was occupied by a tenant within the last three years, then no more than 25 percent of demolition is permitted for the exterior walls.
⁷ Reference Govt. Code Section 65852.21(c)(1).

Urban Lot Split Requirements

In addition to the previously stated SB9 development requirements, SB9 allows the subdivision of a single-family lot into two lots (Urban Lot Split) which shall meet the following criteria:

- A. In conjunction with an Urban Lot Split, no more than two units may be permitted per lot;
- B. Proposed lots shall be a minimum of 1,200 square feet;
- C. Lots must be no smaller than 40 percent of the original lot area;
- D. Areas utilized for public or private roads, vehicular access easements, and/or 45 percent or greater natural sloped areas are excluded from lot area calculations;
- E. The ratio of lot depth to lot width shall not exceed 3:1;
- F. Each lot shall have a minimum 20-foot vehicular street access;
- G. Existing or proposed access from a driveway curb cut is required;
- H. Easements may be required to convey public utilities, access, and other services;¹
- I. The property owner must sign an affidavit stating they acknowledge that the property's Covenants, Conditions, and Restrictions (CC&Rs) or Homeowner's Association (HOA) restrictions are not violated because of the Urban Lot Split; and
- J. The property owner must sign a covenant stating the property's owner(s): 1) intends to occupy one of the units as their primary residence for a minimum of three years; 2) acknowledges that the property is no longer eligible for a future Urban Lot Split; 3) shall not subdivide any adjacent parcel using an urban lot split; 4) A minimum of one off-street parking space per unit is required per lot; and 4) must develop each lot per SB9 requirements and restrictions.

¹ Off-site dedications or improvements cannot be required.

