



URBAN LOT SPLITS

A QUICK REFERENCE

Senate Bill 9 (SB-9, Atkins) changed California Government Code Sections 6452.6, 65852.21, and 66411.7 to allow for urban lot splits. The following is summary of the law. For the full text of the change, click [here](#).

What it Allows:

- One lot can be divided into a maximum of two lots
- Lots must be at least 40 percent the size of the original lot
- Minimum size of new lot is 1,200 square feet
- Each lot can have two units
- ADUs and JADUs are counted toward the maximum
- Each unit can be at least 800 square feet

Setbacks:

- Rear and side setbacks can be as little as four feet
- No additional setbacks for existing structures
- No additional setbacks for structures replacing existing structures (new structure must be same size and location)

Parking:

- The City cannot require more than one parking space per unit
- The City cannot require any parking if...
 - .5 mile walk to a "high quality transit corridor"
 - .5 mile walk of a "major transit stop"
 - Car share vehicle within 1 block

Limitations on Demolition:

- Must not demolish or alter:
 - Legally restricted affordable housing
 - Housing subject to rent control
 - Housing occupied by a tenant within the last three years
- If the site has been rented in the last three years, cannot demolish more than 25 percent of the exterior walls

Processing Requirements:

- The City cannot apply subjective rules, such as design guidelines
- Must be approved ministerially
- No discretion can be used in reviewing applications
- No hearing can be required

Rights of Way & Easements:

- Cannot require dedication of right of way
- Cannot require construction of offsite improvements
- City can require an easement to the public right of way

Other requirements:

- Cannot be used for short term rentals
- Not required to approve an ADU or JADU, as well
- Structures can be attached
- Owner must sign affidavit that owner will live on-site for 3 years
- Cannot subdivide in the future as an urban lot subdivision
- Same owner cannot subdivide an adjacent site
- City must allow owner to keep non-conforming conditions (e.g. setbacks)