



# CITY OF POWAY

## DEVELOPMENT SERVICES DEPARTMENT

### SB 9 Developments & Urban Lot Splits: General Information

#### What does Senate Bill 9 (SB 9) do?

The Bill mandates jurisdictions, like the City of Poway, to ministerially approve a housing development containing no more than two (2) single-family dwelling (SFD) units on a single lot within a single-family residential zone, excluding certain areas. It also allows Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)<sup>1</sup> on lots with SFDs. Additionally, the City must ministerially process an urban lot split in accordance with SB 9 and eligible development standards.

#### How do I apply and obtain permits for a SB 9 development and Urban Lot Split?

For housing development, hire a designer or architect to prepare a building set of plans in compliance with the building permit application requirements and pay applicable plan check fees. Corrections on plan check reviews must be addressed before the permit is approved and ready to issue. Once the building permit is approved, pay applicable issuance and impact fees<sup>2</sup>, obtain your permit and begin building. For an urban lot split, civil drawings prepared by an engineer are 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. The following areas are excluded from SB 9 developments and Urban Lot Splits:</p> <ul style="list-style-type: none"> <li>A. A Very High Fire Hazard Severity Zone;</li> <li>B. Wetlands (ref. U.S. Fish and Wildlife Service Manual);</li> <li>C. A hazardous waste site;</li> <li>D. A historic district or a historically designated site;</li> <li>E. A special flood hazard area or regulatory floodway, unless certain requirements are met;</li> <li>F. Sites that contain habitat for protected species, including but not limited to Coastal Sage Scrub, Chaparral, and Riparian Scrub vegetation located within or outside of lands identified for conservation in the Habitat Conservation Plan (HCP) Mitigation Areas, sensitive habitat areas, and/or open space easement or open space zoning designation<sup>3</sup>.</li> <li>G. Lands identified as moderate or high for archeological resources shall require an archeological reconnaissance letter or report.</li> </ul>	<p>Approval of a SB 9 development cannot involve the demolition or alteration of structures if the property contains:</p> <ul style="list-style-type: none"> <li>A. Affordable or rent controlled housing; or</li> <li>B. Housing occupied by a tenant within the last three years<sup>5</sup>.</li> </ul> <p><i>Note: Rental terms must exceed thirty days. Separate sewer and water connections are required for all SB 9 units.</i></p>
	Parking Requirements
	<p>A minimum of one off-street parking space per unit is required<sup>6</sup>.</p>
Objective Design/Development Standards	Setback Requirements
<p>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), including landscape and slope area requirements<sup>4</sup>. The project's design and development must comply with the City of Poway's Best Management Practices Manual and the PMC. 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.</p>	<ul style="list-style-type: none"> <li>A. Meet the setbacks of the underlying zone, except rear and interior yard setbacks may be reduced to four feet when necessary to accommodate one or two units up to 800 square feet in size.</li> <li>B. A minimum of 10 ft. distance between all structures is required.</li> <li>C. No setback shall be required for a legally permitted structure that is replaced or converted to a SB 9 unit.</li> </ul>

<sup>1</sup> Reference City of Poway's "Accessory Dwelling Units and Junior Accessory Dwelling Units: General Information" handout.  
<sup>2</sup> A credit will be applied for previous impact fees paid on an ADU converted to a main single-family residence as applicable.  
<sup>3</sup> Reference City of Poway's Subarea Habitat Conservation Plan (HCP)

- 4 Reference Govt. Code Section 65852.21(b)(1), Reference PMC Section 17.08.230(D).  
 5 An affidavit specifying rental status in compliance with SB 9 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.  
 6 Reference Govt. Code Section 65852.21(c)(1).

### Urban Lot Split Requirements

In addition to the previously stated SB 9 development requirements, SB 9 allows subdivision into two lots (Urban Lot Split) and 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. Lots must be located in, or partially in, either an urbanized area or an urban cluster;
- E. 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;
- F. The ratio of lot depth to lot width shall not exceed 3:1;
- G. Each lot shall have a minimum 20-foot vehicular street access;
- H. Existing or proposed access from a driveway or a curb cut is required;
- I. Easements may be required to convey public utilities, access, and other services;<sup>1</sup>
- J. 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
- K. 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 5) must develop each lot per SB 9 requirements and restrictions.

<sup>1</sup> Off-site dedications or improvements cannot be required. Reference Govt. Code Section 66411.7(b)(3).

