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## SENATE BILL 9 (SB 9): GENERAL INFORMATION

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

**Senate Bill 9 (SB 9):** was adopted September 16, 2021 and is effective January 1, 2022. SB 9 requires cities and counties to ministerially allow, in single-family zoning districts, either or both of the following:

- A housing development of no more than two units at least up to 800 square feet each; and/or
- The subdivision of a parcel to create two approximately equal parcels (i.e. 40/60 or 50/50 split) with a minimum lot size of 1,200 sf for each new lot.

### Which sites are eligible for SB 9?

**Eligible Site:** SB 9 applies only to parcels in single-family residential zones. Consistent with this intent of SB 9, properties eligible to utilize the ministerial approval process described in this handout are those zoned for Single-Unit Dwelling **only** including the following zone districts: RL-1.3, 5, 6, and 8. SB 9 does not apply in RM, RH, DMX, DRL, DRM, DRH zone districts.

**Prohibited Sites:** SB 9 projects cannot be located in the following areas -

- 100-year floodplain or a floodway – Some areas adjacent to Colma Creek apply
- Land identified for conservation under a natural community conservation plan, or lands under a conservation easement; wetlands, or habitat for protected species – Portions of Sign Hill area likely apply
- Hazardous waste site – Most likely sites are E101 and unlikely to apply
- Earthquake fault zone – Areas in W101 would potentially apply
- Historic district or property included on the State Historic Resources Inventory, or a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance – City does not have a historic district but does have locally designated historic properties that would apply

SB 9 projects cannot demolish or alter the following types of housing units:

- Price restricted housing, including deed-restricted affordable housing and housing subject to rent or price control by a public entity's police power; and/or
- Housing that has been occupied by a tenant in the last three years.

### How do I apply for an SB 9 unit or subdivision?

**Ministerial Review Process:** The development review process for SB 9 applications for lot splits and/or units would encourage at least one preliminary informal review of the project plans by a Planner prior to formal submittal. The formal submittal process would require submittal directly to the Building Division via the City's online portal for a building permit at which time the project plans and/or maps would be routed to all City Departments for ministerial review and approval including, but not limited to, Planning, Building, Fire, and Public Works. No public hearings or discretionary review will be conducted for SB 9 projects.

## Development Standards Summarized for SB 9 Projects<sup>1</sup>

**Development Standards:** The development standards of the underlying zone district would apply for maximum height, lot coverage, floor area ratio governing total allowable square footage on-site (FAR), and front setback; however, the City will waive any standards that physically precludes the construction of an up to 800 square foot (sf) unit, as required by state law. No parking is required if the project is within .5 miles of public transit, which has broadly been interpreted as a bus route, fixed mass transit route, or vehicle-share location. Refer to attached “South San Francisco Transportation” map. Staff does not anticipate that many projects would require any parking as part of an SB 9 submittal. The minimum setback requirements for the side and rear yard of an SB 9 project are four (4) ft. A summary of development standards is provided in the table below:

<b>Maximum Height</b>	Height requirement of the Zoning District
<b>Maximum Floor Area</b>	Maximum Floor Area requirements of the Zone District (allowed at least up to 800 sf unit, even if floor area requirements are not met).
<b>Maximum Lot Coverage</b>	Lot Coverage requirements of the Zone District (allowed at least up to 800 sf unit, even if lot coverage requirements are not met).
<b>Minimum Setback</b>	Front setback of Zoning District applies (can be waived, if precludes 800 sf unit).  4'-0" minimum rear and side setbacks.
<b>Minimum Lot Size</b>	1,200 sf and each new lot must be at least 40% of the size of the original lot.
<b>Required Parking</b>	No parking is required if project is within .5 miles of public transit, which has been broadly interpreted as a bus route, fixed mass transit-route, or vehicle share location. Otherwise one parking space per unit.

### **Accessory Dwelling Units (ADU):**

- A lot subdivided under SB 9 is not eligible to have an ADU; however, if the lot is vacant and only one SB 9 unit is built, then the property also can have one ADU.
- Otherwise the property can have two detached ADUs and one converted ADU (within non-livable space).
- Additionally, a lot that has added units under SB 9 (and has NOT been subdivided) can have ADUs in accordance with the provisions of SSFMC Section 20.350.

**Deed Restrictions:** SB 9 units will be prohibited from being used as short-term vacation rentals (STVR) and SB 9 subdivisions will also be prohibited from further subdivision under SB 9. These prohibitions will be recorded

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<sup>1</sup> Development standards are summarized in general here and are set forth more specifically in Title 19 and 20 of the Municipal Code.

against the property via a deed restriction which must be executed by the property owner prior to issuance of a Building Permit. Applicants for SB 9 subdivisions must also record an affidavit stating their intent to occupy one of the units on the property for 3 years from approval of the subdivision.

**Selling SB 9 Units:** SB 9 units are eligible to be sold either as a fee simple lot or as a condo/tenancy in common (TIC).

**Environmental Review:** SB 9 projects, as ministerially approved projects, are statutorily exempt from the California Environmental Quality Act (CEQA). No environmental documents will be required.

**Subdivision Requirements:**

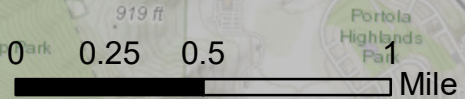
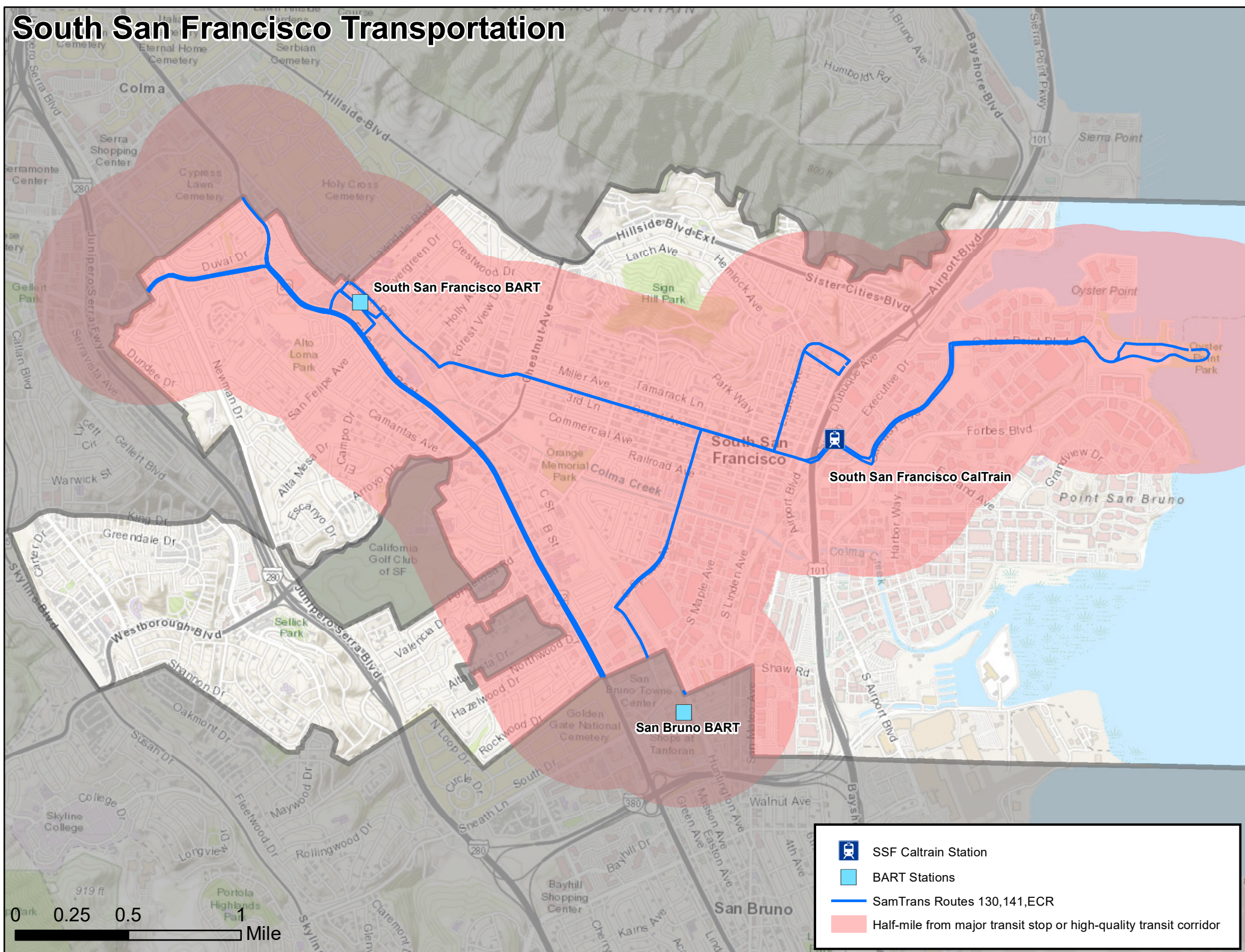
- The City does not require dedication of right-of-way, construction of offsite improvements or correction of non-conforming zoning conditions for SB 9 subdivisions.
- Each new lot must be at least 1,200 sf and must be at least 40% of the size of the original lot.
- Lots previously subdivided via SB 9 cannot be subdivided again under the SB 9 process.
- Lots adjacent to a property previously subdivided under SB 9 by the same property owner or by another person or entity acting jointly, in partnership, or in a cooperative relationship with that same property owner may not be subdivided under SB 9.
- Additionally, all objective requirements of the Subdivision Map Act (Gov. Code section 66410 et seq.) will continue to apply.

**Development Application Fees:** Fees for the SB 9 units and subdivision process are expected to include associated Building permit fees and subdivision map review fees. Actual fees for each project will be based on the City's [adopted Master Fee Schedule](#).

**Impact Fees:** Impact fees applicable to new unit construction would continue to apply to newly constructed SB 9 units, consistent with the City's [adopted impact fee schedule](#).



# South San Francisco Transportation



- SSF Caltrain Station
- BART Stations
- SamTrans Routes 130, 141, ECR
- Half-mile from major transit stop or high-quality transit corridor