

What is Senate Bill 9?

Senate Bill (SB) 9 became effective in January 2022 and is intended to create more housing opportunities by increasing housing supply within existing single-family residential zones. Cities must ministerially approve up to two lots through a lot split and/or two detached or attached homes on a single lot, provided certain criteria are met.

What is ministerial approval?

The ministerial review process does not require a public hearing and only involves the application of objective standards on a "pass/fail" basis. There is no discretion allowed in the review of these projects, meaning that if the project "passes" the City may not deny it, except in very limited circumstances where there is a direct and provable threat to public health and safety.

This means that if the development meets specific, defined criteria, the City of Riverside must approve:

- Two attached or detached homes on a parcel within a single-family residential zone (**Two-unit Development**); and/or
- Subdividing one lot into two lots (**Urban Lot Split**) and permitting up to two homes on each of these two lots.

Does the City of Riverside have to comply with SB 9?

SB 9 is state-mandated and applies to all jurisdictions in California, including the City of Riverside. It overrides local regulations related to land use and density in the Riverside Municipal Code in certain residential zones.

With this law, the City can no longer prohibit the construction of two homes of at least 800 square feet on any lot zoned for single-family homes, provided the proposal meets the eligibility criteria.

Where can I develop an SB 9 project in Riverside?

SB 9 only applies to single-family residential zones. The following residential zones are eligible in the City of Riverside: the Rural Residential Zone (RR); Residential Estate Zone (RE); all Single-Family Zones (R-1-½ Acre, R-1-13000, R-1-10500, R-1-8500 and R-1-7000). In certain circumstances, SB 9 also applies to the Residential Conservation Zone (RC).

The Residential Agricultural Zone (RA-5) is ineligible.

How many homes are permitted on a lot now that the law has taken effect?

Under SB 9, all lots in the single-family residential zones may be developed with two dwellings if there is no requested lot split.

If a lot split is also approved, the maximum number of dwellings is four (no more than two per each new lot resulting from the original parcel).

Can I have an ADU with my SB 9 project?

Per the City's ADU Ordinance, ADUs, MADUs and JADUs may be combined with SB 9 developments, provided that the number of homes created on any existing lot (if not split) does not exceed three or previous lot (if split) does not exceed four.

What location criteria must be met?

In addition to only being applicable in the single-family residential zones, SB 9 development may not be located in any of the following:

- Farmlands, wetlands, high fire zones, hazardous waste sites, earthquake faults, flood areas, conservation land, sensitive species habitat or a recorded open space easement.
- Any area designated as a historic district, neighborhood conservation area or on a property designated as an historic resource.

What site standards must be met?

The site standards for SB 9 development include:

- The project cannot include demolition or alteration of existing housing (an affidavit will be required by the owner) that:
 - Is rent-restricted for moderate-, low-, or very low-income households, or is subject to rent control.
 - Includes demolition of more than 25% of exterior walls of a unit that has been occupied by a tenant in the last three years.
- The site cannot include existing housing where any Ellis Act eviction(s) occurred in the fifteen years prior to application submittal.
- For Urban Lot Splits:
 - Each new lot must be at least 1,200 square feet.
 - The split results in new lots of approximately equal size (60/40 maximum ratio).
 - The original lot was not established with a prior SB 9 lot split.
 - Access to the public right-of-way is required. If a parcel does not adjoin the public right-of-way, then a minimum 10-foot-wide access corridor or easement is required (the City may require additional access where necessary).
- For Two- Unit Developments:
 - A maximum of four feet is required for setbacks of new structures from the interior side or rear property lines.

- No setbacks are required for existing structures or structures rebuilt in the same location and to the same dimensions as a previously existing structure.
- Other zoning standards such as required front yards, height limits and lot coverage requirements will apply as long as they do not prevent the development of two homes of at least 800 square feet each.

- Complete landscaping in the front and side yards is required. This includes a minimum of one 24-inch box tree of broadleaf or evergreen species per unit.

For a complete list of design standards, contact the Planner on Duty at (951) 826-5800 or visit riversideca.gov/planning to read our Zoning Code.

Do I need to occupy one of the homes if I pursue an SB 9 project?

- Owner occupancy is required for both Urban Lot Splits and Two-unit Developments.
 - For projects involving an Urban Lot Split, you must sign an affidavit stating that you intend to occupy one of the dwelling units (on either lot) as your principal residence for at least three years. Community land trusts are exempt from this requirement.
 - For Two-Unit Developments with no Urban Lot Split, then you must use one of the units as your primary residence and sign a deed restriction binding you and future residents to this requirement.

Do I have to notify my neighbors if I'm doing an SB 9 project?

- For any SB 9 project, you must provide written notice to the record owners of all properties within 300 feet of the subject site via Certified United States Mail at the expense of the applicant. Proof will be required for prior to issuing a building permit or finalizing a lot split.

Are there any other requirements that apply?

- Short Term Rentals – Any rental created under SB 9 cannot be used as a short-term rental, or any use other than residential, and leases must be for a term of 30 days or longer.
- Parking – One covered parking space is required per home; unless the parcel is located within ½-mile walking distance of high-quality transit station or located within one block of a car share vehicle.
- For Two-Unit Developments, the following design standards apply:
 - New construction must be designed to match the any existing dwelling if one exists. These include but are not limited to paint color, roof pitch and exterior finish materials.
 - Where no development exists, both units must be designed so that they match one another in paint color, roof pitch and exterior finish materials.

What is the process for an SB 9 project?

There are two processes which will take place depending on if the project is a Two-Unit Development or an Urban Lot Split. The steps are as follows.

- **For Two-Unit Developments:** 1) Obtain planning clearance from the Planning Division by completing the SB 9 Clearance and Pre-Application form. 2) Obtain plans and then submit to the Building and Safety Division. 3) After plans have been approved, permits will be issued. 4) Complete construction and pass all inspections. 5) Final occupancy is granted.
- **For Urban Lot Splits:** 1) Obtain planning clearance from the Planning Division by completing the SB 9 Clearance and Pre-Application form. 2) Submit a parcel map from a licensed engineer to the Public Works Department. 3) A final map check will be reviewed by Staff. 4) The parcel map is recorded. 5) Lots are created.

I live in a Homeowners Association (HOA), does SB 9 apply?

You may be able to pursue an SB 9 project within an HOA, but you will need to ask your HOA for permission. The Planning Division will need proof that the HOA agrees with your project.

How do I know if I'm eligible for an SB 9 project in Riverside?

You can access our SB 9 Checklist and Pre-Application form via our website. Completion of this form is necessary to ensure you meet eligibility criteria. Contact our One Stop Shop at (951) 826-5800 or email us at CDDINFO@riversideca.gov if you have questions.