

*This FAQ is provided as an aid only and should not be relied upon for the submission of any application for housing development or subdivision. The City strongly recommends that applicants review applicable state law and relevant portions of the Menifee Municipal Code prior to submitting an application.*

## **What is Senate Bill 9?**

California Senate Bill 9 or (SB 9) creates a framework for property owners to subdivide an existing lot and create new housing units on single-family residential zones. Per the new law, cities must allow an existing single-family residential lot to be subdivided into a maximum of two (2) lots and must permit the creation of housing development with no more than two (2) residential units on lots within the single-family residential zone, including on lots subdivided pursuant to SB 9. SB 9 may result in the total development of up to two (2) units per lot, on two (2) separate lots, on what was formerly a single unit on a single-family residential lot. The law prohibits discretionary review or public hearings to review SB 9 development.

## **What is the purpose of SB 9?**

The intent behind SB 9 is to create another pathway to help alleviate the State's housing shortage. This streamlined process is targeted to help everyday home owners.

## **Does the State Law Require the City to comply with SB 9?**

Yes. This law is Statewide and applies to all jurisdictions in California including cities and counties. It overrides incompatible local regulations related to land use and density in single-family residential zones. The city cannot require, as a condition for ministerial approval of a parcel map application for the creation of a SB 9 lot split, the correction of nonconforming zoning conditions.

## **How many units are permitted on a lot now that SB 9 has taken effect?**

Under SB 9, two (2) units can be built on each lot. If an existing lot is proposed to be split, then up to four (4) units (two on each lot) can be built. SB 9 and ADU Law (Gov. Code, §§ 65852.2 and 65858.22) are complementary. When a SB 9 lot split has not occurred, the lot is eligible to receive ADUs and/or Junior ADUs as it ordinarily would under ADU law, in addition to SB 9 units. When a SB 9 lot split occurs, the City must allow up to two (2) units, including SB 9 and ADU units on each lot resulting from the lot split.

## **Can I rent out the units created by SB 9?**

The applicant/owner may rent out the units created by SB 9 provided that they are not short-term rentals (30

days or less). As a condition of a SB 9 lot split, the applicant must also submit an affidavit to the City of Menifee that the applicant intends to live in one (1) of the units as their principal residence for a minimum of three (3) years following the date of approval of the SB 9 lot split.

## **What are the development standards?**

### **For all SB 9 development:**

The site standards that must be met to be eligible for an 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 are subject to rent control.
  - Includes demolition of existing housing 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 (15) years prior to application submittal.

### **For SB 9 lot splits:**

- The lot split results in new lots of approximately equal size (60/40 minimum proportionality). Neither of the resulting lots may be smaller than 1,200 square feet.
- The original lot was not established with a prior SB 9 lot split. Neither the owner of the parcel nor anyone working in concert with the owner of the parcel may have subdivided an adjacent parcel using a SB 9 lot split.
- The applicant must submit an affidavit to the City of Menifee that applicant intends to occupy one (1) of the units as their principal residence for a minimum of three (3) years following the date of approval of the SB 9 lot split.
- The City may require easements for public services and utilities and a requirement for access to the public right-of-way, but not right-of-way dedication or offsite improvements.
- Each parcel shall provide one (1) off-street, on-site, parking space per unit, unless the parcel is located within ½-mile walking distance of high-quality transit or located within one block of a car share vehicle.

- No more than two (2) units, including SB 9 and ADU units, may be on a lot resulting from a SB 9 lot split.

**For two-unit developments:**

- No setbacks are required for existing structures or structures rebuilt in the same location and to the same dimensions as a previously existing structure.
- A minimum of four (4) feet is required for setbacks of new structures from the interior side or rear property lines.
- One off-street, on-site parking space is required per unit, unless the parcel is located within ½-mile walking distance of high quality transit or located within one block of a car share vehicle.
- Other City of Menifee zoning standards such as front yard setback, height limits and lot coverage requirements will apply as long as they do not prevent the development of no more than two (2) units or prevent either unit from being at least 800 square feet in size.

### How do I apply?

Two-unit developments require a Building Permit issued by the Building & Safety Division. Applications for SB 9 lot splits are processed by the Community Development Department. For information on required materials and applicable fees, contact the Community Development Department at 951-723-3741. Please note, the SB 9 Checklist & Planning Clearance Form must be reviewed and signed by the Community Development Department prior to submitting an application for SB 9. The SB 9 Checklist & Planning Clearance Form is available at City Hall or by visiting: <https://www.cityofmenifee.us/324/14418/Planning-Applications>

## TWO-UNIT DEVELOPMENT & SB 9 LOT SPLIT PROCESS

### 01. DETERMINE ELIGIBILITY

To determine if the property qualifies for SB-9, complete the SB 9 Checklist & Planning Clearance Form. This form must be signed off prior to submitting an application to Building and Safety or Planning.



### SUBMIT AN APPLICATION 02.

**SB 9 Lot Split:** Submit an SB 9 Lot Split Application to the Community Development Department along with all submittal requirements.

**Two-Unit Development:** Apply for a Building Permit with Building and Safety. Please contact the Building & Safety for submittal requirements.

### 03. STAFF REVIEW

Staff will review documents and plans and potentially request revisions to be made.



### PERMIT ISSUANCE OR APPROVAL OF PARCEL MAP 04.



**SB 9 Lot Split:** Once plans have been approved by the Community Development Department submit to Engineering for a Final Parcel Map.

**Two-Unit Development:** Once plans have been approved by all reviewing disciplines the building permit can be issued and construction begins.