



Senate Bill 9 (SB 9) is a state law that establishes a streamlined, ministerial process to 1) develop two primary residential dwelling units on one eligible single-family zoned parcel and/or 2) split one eligible single-family zoned parcel into two parcels of approximately equal size. The County’s implementing SB 9 ordinance is now in effect countywide, both inside and outside the Coastal Zone.

SB 9 projects are subject only to objective standards that involve no personal or subjective judgment by a public official. This SB 9 Objective Standards Guide provides common objective standards in the [Santa Cruz County Code \(SCCC\)](#) and [General Plan](#) for residential projects, as well as state law standards for SB 9 projects. **NOTE: the standards listed are not exhaustive. Early consultation with planning staff is recommended to confirm SB 9 eligibility and objective standards.** Please review the Santa Cruz County [SB 9 Guide](#) to learn more.

Residential Zone Districts where SB 9 Projects are Allowed

- R-1 (Single Family Residential)
- RA (Residential Agriculture)
- RR (Rural Residential *Note – not the same as R-R, the Rural Residential General Plan land use classification.*)
- SU (Special Use) under a General Plan designation of Mountain Residential (R-MT), Rural Residential (R-R), Suburban Residential (R-S) or Urban Residential (R-U).

Not allowed in RB (Beach Residential) zone district.

SB 9 Development Options

SB 9 allows for up to four units maximum per eligible single-family zoned parcel, including existing and proposed dwellings, in the following combinations as demonstrated in the graphic below:

- SB 9 Development (with no lot split) = Maximum 4 units per existing parcel. May be all new or a mix of existing and proposed.
 - 2 primary dwellings + 2 Accessory Dwelling Units (ADUs)
 - 2 primary dwellings + 2 Junior Accessory Dwelling Units (JADU)
 - 2 primary dwellings + 1 ADU + 1 JADU
- SB 9 lot split = Maximum 2 dwelling units per each new parcel, 4 total (see additional standards below)
 - Up to 2 primary dwellings per parcel, or
 - Up to 1 primary unit + 1 ADU or JADU per parcel, or
 - Units as above on one new parcel, and one new vacant parcel
 - Lot split not allowed unless at least one dwelling unit exists or is under construction on parcel

Types of Structures Allowed

SB 9 Development Options: no lot split

PD

A

J

PD

PD

PD

A

A

PD

PD

A

A

PD

A

PD

A

PD = primary dwelling
A = accessory dwelling unit (ADU)
J = junior accessory dwelling unit (JADU)

SB 9 Development Options: lot split

Lot splits can include development of one or two PDs per lot, one PD + one ADU or JADU per lot, or no development on one lot.

PD

PD

PD

PD

PD

A

PD

PD

PD

A

PD

J

PD

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- Single-family structures or duplex structures allowed. Duplexes may include either two primaries or a primary + ADU / JADU).
- Triplexes or fourplexes comprised of primary dwellings plus ADUs / JADUs may be allowed only if no other configuration is feasible and the dwellings do not exceed 800 sq.ft.; such buildings must comply with applicable fire and building codes. ADUs and JADUs do not change the Occupancy Classification, but may trigger fire code considerations.
- Mobile homes may be used for primary dwelling or ADU if less than 10 years old, built with exterior materials and colors compatible with the neighborhood, and placed on permanent foundation.
- A tiny home on wheels (THOW) may be used as a primary dwelling, maximum one per parcel. See Santa Cruz County Code (SCCC) Section [13.10.680](#) for more information on tiny homes. *Note: Building permits may no longer be issued to use Tiny Homes on Wheels as ADUs, per regulations by the California Department of Housing and Community Development that preempt local ordinances.
- If a new primary dwelling fails to comply with any SB 9 objective standard, it still requires just a building permit, but the max size is 800 sq.ft.
- The maximum size for a new primary dwelling is 5,000 square feet. A larger dwelling triggers discretionary review, which is not allowed for ministerial projects.

Objective Development Standards for Primary Dwellings¹

New construction primary dwellings (see table below) shall meet the zone district standards for front yard setback, height, lot coverage, and floor area ratio as provided by SCCC Sect. [13.10.323](#), except as follows:

- The minimum side and rear setbacks are four feet.
- Pleasure Point standards shall apply. If a 10-foot second story setback is required but infeasible for an 800 square foot dwelling, the setback may be reduced by the minimum necessary to accommodate the proposed project, but in no case less than four feet.

Site standards for floor area and lot coverage are based on the site area minus any coastal bluffs, beaches or intertidal areas. Rights of way are not deducted, but on a flag lot the corridor access is deducted. Additional exceptions in SCCC 13.10.323 and 13.10.510. See also the publication, [Exceptions to Residential Standards](#).

No site or structural standard shall prevent development of a primary dwelling unit up to 800 sq.ft. in floor area. When any zoning standard is exceeded, it shall be the minimum amount required to accommodate one 800 sq.ft. unit and shall minimize environmental impacts while maximizing neighborhood light and air.

	Primary Dwellings – Site and Structural Standards Pursuant to SB 9	
Front Yard	See applicable Zoning District Standard (ZS): 15' min. in R-1-4 and R-1-5; 20' in R-1-6 thru R-1-1 acre and RA	
Front Yard, flag lot	Front yard setback is measured across the entire side on which corridor access enters “flag” area.	
Side Yards	4' on both street side and interior side. No setback required for an existing structure or for a structure constructed in the same location to the same dimensions.	
Rear Yard	4' No setback required for an existing structure or for a structure constructed in the same location to the same dimensions.	
Pleasure Point Stds	Pleasure Point Standards per code. If required 2 nd floor setback not met, setback shall not be less than 4'.	
Height	Zoning Standards apply: Dwellings 28' maximum in most districts, unless within a Special Subdivision that sets height.	
# of Stories	Urban, or Rural less than 1 acre: 2 stories max. Rural, one acre or greater: no maximum # stories .	
Lot Coverage	R-1-2.5 through R-1-4: 45% max. R-1-5 through R-1-15: 40% max. R-1-16 through R-1-30: 20% max. RA, RR, R-1-1 acre+: 10% maximum	
Floor Area Ratio	R-1-2.5: R-1-3 or R-1-4:	70%, 60% R-1-5 to R-1-15: 50% R-1-16 or higher / RA / RR: no limit
Min. Separation	3' to another dwelling unit unless connected by breezeway	
Accessory structures	Accessory structures must comply with all current standards. New accessory structures are not permitted where these would trigger an exception to standards for primary dwelling units.	
Decks	Stairs, chimneys, bay windows and cantilevered decks may encroach 6' into front and rear setbacks. These structures (except decks) may encroach 3' into standard side yard setbacks. 2 nd story rooftop decks prohibited. Encroachments associated with Accessory Dwelling Units must preserve minimum two-foot interior side and rear setbacks.	

¹ Most standards provided in this table apply to R-1 zone districts, but other standards may apply. Dwelling size is based on habitable floor area.

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Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs)

The [standards](#) for ADUs and JADUs do not change on SB 9 parcels, with one exception: no minimum setback to an existing ADU or JADU is required for a new property line established on the site of an SB 9 lot split. ADU / JADU standards are provided by SCCC [13.10.681](#).

On parcels with an ADU, additional floor area and lot coverage of up to 800 square feet is allowed, based on the habitable floor area of the ADU.

Parking

Parking requirements are as follows (per State law and Santa Cruz County Code Sect. 13.10.550-555):

Primary dwellings

- One parking space for each primary dwelling. Exception: on-site parking not required within one-half mile walking distance of a high-quality transit corridor or major transit stop.

Accessory Dwelling Units / Junior Accessory Dwelling Units

- Outside the Coastal Zone:
New Construction ADUs: One additional parking space per ADU. If the primary dwelling unit has less than the required parking per SCCC 13.10.552, one new parking space must be provided per ADU but parking for the primary dwelling may remain nonconforming. No added parking required within 0.5 mile of a public transit stop (see GIS Land Use Regulatory layer, ADU Parking Exemption).
Conversion ADUs: No replacement parking required for JADUs or conversion ADUs.
Replacement parking: Not required for enclosed or unenclosed parking demolished for ADUs or JADUs.
- Inside Coastal Zone:
Within Designated Areas (LODA, SALSDA, DADA and Opal Cliff Drive between 41st Avenue and the City of Capitola): one new space is required for new construction ADUs and replacement parking is required for any garage or surface parking that is eliminated, with no exceptions for transit proximity. JADUs and conversion ADUs do not require a new parking space. Replacement parking is required for spaces demolished for conversion ADUs but not for JADUs.
Outside Designated areas: Same as outside the Coastal Zone (see above).
- **Parking space:** 8.5 feet by 18 feet minimum. Compact spaces not allowed unless required parking exceeds six spaces, per 13.10.553(E).
- All locations:
The parking area, aisles and access drives shall be paved with two inches of asphalt concrete over five inches of Class II base rock or equivalent permeable or nonpermeable surface so as to provide a durable, dustless surface, and shall be graded and drained so as to prevent erosion and disperse surface water. Parking areas, aisles and access drives together shall not occupy more than 50 percent of any required front yard setback area for any residential use, unless 800 sq.ft. ADU not otherwise feasible.

Driveways

If splitting a parcel and creating a new driveway(s), check with the Department of Public Works Driveways division to confirm that your proposed driveways(s) meet County requirements. County standards require a minimum separation between driveways on the same or adjacent parcels, minimum distance from a corner and minimum width.

Tenant Occupancy, Demolition, Structural Modification, Nonconforming Structures

Demolition or Alteration: No SB 9 project may entail demolition or substantial alteration of a dwelling that has been 1) occupied by a tenant (whether rent paying or not) at any time in the previous three years, 2) subject to rent or price control, or 3) limited to occupancy by families of moderate, low, or very low income. If the occupant is a trustee or family member of the owner, they may be qualified as an owner and could sign an owner occupancy attestation.

Nonconforming structures: Reconstruction of an existing structure that does not conform to setbacks shall not



require discretionary review if the replacement structure is built with identical or reduced nonconformance. If the resulting structure does not conform to Zoning standard setbacks, it shall not be considered nonconforming if permit issued pursuant to SB 9.

Fencing

Fencing shall comply with SCCC 13.10.525: Regulations for fences and retaining walls within required yards. Since SB 9 applications are ministerial, they shall not require a discretionary permit – fences requiring a discretionary permit shall not be allowed. Chain-link fencing will usually not be acceptable.

Airport Safety Zone

SCCC 13.12.040 limits the maximum density within each safety zone. For example, in Safety Zone 2, the Suburban Density and Intensity Allowance is 1 per 20 acres. This density limit governs new primary dwellings and lot splits under SB 9, but does not apply to the ADU and JADU allowed with a primary dwelling.

Agricultural Resources on parcel

No SB 9 project is allowed on Agricultural Resource Land, Prime Farmland, Farmland of Statewide Importance, or any other land zoned or designated for agricultural protection or preservation by a local ballot measure, unless a building site exists on the site outside the designated ag resource.

No SB 9 project is allowed on any parcel subject to a resource protection easement, open space easement or Williamson Act contract.

Agricultural Resources adjacent to parcel

No SB 9 development or lot split is allowed if a proposed primary dwelling unit is less than 200' from agricultural resource land (as mapped in GIS under Land Use tab).

If the parcel has an existing legal dwelling less than 200 feet adjoining agricultural resource land, ADUs may be located less than 200 feet from adjoining agricultural resource land if no closer than the existing dwelling, no more than 100 feet from the existing dwelling and includes an appropriate vegetative and/or other physical barrier for all existing and proposed development.

Grading

Prohibited on slopes greater than 30% unless no alternative and project complies with other objective standards. Any grading of more than 100 cubic yards, or on slope greater than 30 percent in Coastal Zone, or within 300 feet of a riparian corridor or coastal bluff requires a Coastal Development Permit.

Environmental and Cultural Resources

To be eligible for SB 9, a parcel must meet specific criteria per state law to avoid protected resources and mitigate for projects sites in environmental hazard areas. Additional studies– such as biotic assessment, riparian pre-site or related environmental site review – may be required to confirm possible resources and constraints. For general information about the requirements below, please see the County Geographic Information System, [GISWEB](#).

SB 9 projects are not allowed within the following areas:

- Seaward of Coastal bluffs, such as Coastal hazard areas at the base of Coastal bluffs.
- Any historic district, property included on the State Historic Resources Inventory
- On a County historic landmark, property or district.
- Defined areas with archeological or tribal cultural materials or significance.
- Wetlands and riparian habitat.
- Within habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, species protected by the federal Endangered Species Act or sensitive species or habitats listed by the County of Santa Cruz (see General Plan [Appendix K – Sensitive Habitat, Plant and Animal Species](#)).

Outside the Coastal Zone, sensitive habitat areas and their buffers shall be protected pursuant to Santa Cruz County Code chapters [16.32](#) (Sensitive habitats) [16.30](#) (Riparian and wetlands) and related sections. On parcels where sensitive habitat or buffer area is known or suspected, a biotic approval through the biotic review process outlined in SCCC Chapter 16.32 shall be obtained to determine whether a buildable site exists outside the sensitive habitat and buffer and to establish an appropriate development envelope.



Inside the Coastal Zone, SB 9 projects are not allowed on parcels where any part contains the following resources or constraints, unless all proposed building sites are outside the sensitive resource and buffer area:

- 1) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, species protected by the federal Endangered Species Act or sensitive species or habitats listed by the County of Santa Cruz (see General Plan [Appendix K – Sensitive Habitat, Plant and Animal Species](#)).
- 2) Wetlands and wetland buffers as defined by the United States Fish and Wildlife Service and Santa Cruz County Code, including lakes, seasonal marshes, sloughs and other wetlands, and stream / riparian corridors.
- 3) Lands identified for conservation in an adopted natural resource protection plan or under a conservation easement.
- 4) Archeological or tribal cultural resources.
- 5) Mapped Critical Fire Area.
- 6) Coastal Hazards Areas, including areas seaward of and on/adjacent to coastal bluffs, except for blufftop properties where proposed residences can meet the 100-year bluff erosion stability setback without reliance on any existing or proposed shoreline armoring

SB 9 projects must meet state and local mitigation criteria if located in following hazard areas:

- 1) All State Response Areas (SRAs), including very high, high, and moderate fire severity zones
 - Mitigation required: Adopt applicable fire hazard mitigation measures and located outside mapped critical fire hazard areas.
- 2) Hazardous waste site
 - Mitigation required: State has cleared the site for residential use
- 3) Earthquake fault zone
 - Mitigation required: Geologic Report required; comply with seismic protection standards
- 4) Areas subject to slope hazard
 - Mitigation required: Geologic Report that satisfactorily mitigates safety concerns.
 - FEMA-designated 100-year flood hazard area or floodway
- 5) Water supply watershed
 - Mitigation required: stormwater runoff controlled in compliance with County standards.
- 6) Septic constraint areas or mapped groundwater recharge area
 - Mitigation required: new septic system for SB 9 development are not allowed unless impacts are mitigated per County standards. See Environmental Health Services Department and refer environmental health regulations below for more information.

Lot Split Requirements

Any parcel proposed for division pursuant to SB 9 must be a legal parcel of record.

Parcels are not eligible for an SB 9 land division if they were created by an SB 9 urban lot split.

Land Division Objective Standards:

Maximum Parcel Size. The maximum gross area allowed for each new lot resulting from an SB 9 lot split is 60% of the gross area of the existing parcel. Gross area does not include any area within a flag lot corridor access. A corridor access is assumed to end where it achieves the minimum width specified by the zoning district.

Minimum Parcel Size. The minimum gross area allowed for each new lot resulting from an SB 9 lot split is 40% of the gross area of the existing parcel. Gross area excludes corridor access areas.

In no case shall the net developable site area of either parcel be less than 1,200 square feet. The net developable site area excludes the following areas:

- Rights of way.
- Corridor access areas.
- Lands with slopes greater than 50%



- Landslides (Note: landslide areas determined by a geological study to be stable and suitable for development can be credited.)
- Riparian corridors and buffers
- Wetlands
- Sensitive habitats (see SCCC Sect. [16.32](#))
- Any other areas unsuitable for development as described in SCCC Title [16](#).

Parcel Standards: Proposed parcels shall meet frontage and width requirements per the zoning district or go to a corridor access. If project infeasible without relief from frontage, width or corridor access standards, lot configuration shall deviate the minimum amount necessary to render 800 sq.ft. primary dwelling unit(s) feasible. If proposed primary dwellings do not conform to setbacks or other objective standards after relief from parcel configuration standards is granted, then the proposed dwellings shall not exceed 800 square feet. Parcel configuration standards shall not be modified solely to facilitate ADU development.

Please check fire and building codes for minimum access requirements. The minimum driveway width shall be 12 feet or the applicable standard of the fire agency having jurisdiction over the property, whichever is greater. Fire turnaround, turning radius, slope, surface, etc. apply. Check with the Department of Public Works Driveways division to confirm that any proposed driveways meet County requirements. County standards require a minimum separation between driveways on the same or adjacent parcels, minimum distance from a corner and minimum width, all determined by the Department of Public Works Driveways section.

Parcel maps for lot splits should indicate all reasonably foreseeable structures that will be proposed for development under SB 9. As described above, relief from site and structural standards (the minimum amount necessary) can be provided if SB 9 project not otherwise feasible, and no variance / minor exception required, but floor area is then limited 800 sq.ft. per primary dwelling. No SB 9 project shall be allowed that requires a discretionary use permit other than a Coastal Permit (such as large dwelling, intensification of nonconforming use, overheight fence, etc.).

If application of the zone district standard for lot coverage or FAR would preclude a proposed lot split, the standard may be reduced by the minimum amount necessary to allow development of a primary dwelling unit up to 800 square feet as determined by the Planning Director or their designee. Lot coverage and FAR limits shall not prevent development of one ADU up to 800 square feet.

No minimum setback shall be required for any existing legal structure.

Owner Residency Requirement:

The owner of any property split under SB 9 must live on the site for three years from the date that the parcel map is recorded. "Owner" may include family members or trustees if legally documented. At least one legal dwelling unit must exist on the parcel or be under construction (passed first inspection) at the time of application submittal. Additionally, the owner shall sign an affidavit promising to live on the property for at least three years from the date of approval. The parcel map shall not be recorded until a legal dwelling unit ready for occupancy, including power, water, sanitation and furnishings, exists on the parcel. Once the final map is accepted, the parcel not occupied by the owner may be sold. Requirement does not apply to community land trusts or qualified non-profit organizations.

Environmental Health Regulations

To confirm regulations with respect to a specific parcel within a Census Urbanized Area, you may email environmentalhealth@santacruzcounty.us.

On parcels with onsite septic, no SB 9 lot splits are allowed that would create parcels smaller than one acre (gross area), except in the designated areas below, where parcels served by public water may be no smaller than 15,000 sq.ft.:

- Rio del Mar Lodge Site Nos. 1 & 2*
- Monte Toyon Subdivision #1*
- Assessor's map page 040-14 within the Soquel Creek Water District.

*These areas are mapped in the County GIS "EH Septic Constraint" layer. (Note: Monte Toyon is on Cathedral Drive, Rio del Mar Lodge Sites are on Redwood Drive north of Cathedral Drive.)



A new or expanded septic system for an SB 9 project is not allowed on a native slope greater than 30% or within 100 feet of a 100-year floodplain.

Design

Because SB 9 projects are not subject to site development or use permits, they are not subject to Design

Review unless invoked by specific language in the County Code, such as the Coastal Criteria in 13.20.

Accessory uses and garbage / recycling areas which may be visible from public streets and adjacent properties shall be screened.

ADU design shall comply with 13.10.681(F).

Lighting (13.11.074(D)): New exterior lighting fixtures shall be down-shielded and oriented away from adjacent properties. Light standards and wall mounted lighting shall not exceed 15' above grade.

New utility and service lines shall be installed underground, unless inappropriate.

All rooftop mechanical and electrical equipment (13.11.073(E)) shall be designed to be an integral part of the building design and shall be screened. Utility equipment such as electrical and gas meters, electrical panels, and junction boxes (Ibid) shall not be located on exterior wall elevations facing streets unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material.

The site plan shall relate to surrounding topography, and significant natural vegetation of long-term quality shall be retained, where appropriate (13.11.072(B)).

- Existing mature trees, rock outcroppings, riparian corridors, natural site amenities and other features shall be incorporated into the site design and landscaping.
- Buildings shall be sited and oriented in such a way as to integrate site amenities and features
- Structures shall not exceed ridgeline, hilltop and hillside silhouette unless alternative developable land not available and landscape screening, other structures and topography are utilized to prevent any projection above the ridgeline.
- Development in mapped scenic areas, public viewsheds from scenic roads, beaches and parks shall be screened by existing buildings, topography, landscaping and/or art installations.
- Development should minimize the impact on private views from adjacent parcels, wherever practicable.

In addition to the criteria above, ADUs and JADUs that are visible from a road or other public area shall include three or more of the following elements:

- Roof pitch matching dominant roof slope primary dwelling(s). Dominant roof slope is the slope shared by the largest portion of the roof.
- Roof material matching primary dwelling(s).
- Primary siding material or color matching primary dwelling(s).
- Window and door trim matching primary dwelling(s).
- Porch, bay window, or other façade articulation to break up flat wall planes.
- Fencing or landscaping to buffer the view of the ADU or JADU from a road or other public area. Fencing shall be subject to SCCC 13.10.525

Landscape Screening

As provided by 13.16.060(D) *et seq*, landscaping may be required for developments other than single-family homes (including duplexes or multiplexes of primary dwellings but not SFDs attached only to ADUs / JADUs) requiring five vehicle parking spaces or more, to visually screen from public streets and adjacent uses.

Outside the service areas of the City of Santa Cruz and the Soquel Creek Water District, landscaping shall comply with [SCCC 13.13](#): Water Efficient Landscaping.

Public Improvements

Public improvements cannot be required for SB 9 lot splits, dwellings or the creation of an ADU or Junior ADU (JADU) prior to Parcel Map recordation. For example, an applicant cannot be required to construct an offsite curb, gutter or sidewalk prior to recordation. However, certain frontage improvements can be required at the building permit phase. Please contact the Department of Public Works for more information.

Coastal Zone Development or Lot Split

A Minor Coastal Permit (no public hearing) is required for:

- Any SB 9 lot split.



- Any SB 9 two-unit dwelling group not within the Residential Exclusion Area.

An SB 9 development proposed in the Residential Exclusion area is excluded from Coastal Permitting. The residential exclusion area is mapped in the GIS in the General Plan layer.

ADUs outside the Residential Exclusion area require a “hybrid” building permit with Coastal findings.

Coastal Density

Zoning density regulations are not applicable, other than the 60/40 max ratio and the 1,200 sq.ft. minimum net developable site area per new lot. Net developable area is defined in SCCC 13.10.700-N, “Net Developable Area,” and 13.10.700-D, “Developable Land.” Contact Zoning Information (831-464-2130) for assistance in calculating net developable area.

Coastal Standards

Proposed parcels must also meet frontage and width requirements per the zoning district, or go to a corridor access, the same as outside the CZ. If project infeasible without relief from frontage, width or corridor access standards, lot configuration shall deviate the minimum amount necessary to render 800 sq.ft. unit(s) feasible.

Coastal Hazards

As stated above, the following projects are ineligible for SB 9 processing and require a standard Coastal Development Permit subject to the full scope of the County LCP and zoning ordinance apart from the SB 9 sections:

- Two-unit development and/or lot splits cannot be approved in Coastal Hazard zone (GP 6.2.17).
- Development of a proposed lot split or dwelling group cannot be approved if it would require new utility facilities and service transmission systems (sewer lateral, water service hook-up, power and phone connections) in Coastal Hazard zone or if meeting the density (land area) for the dwelling group or split required “counting” the area within the 100-year floodplain.
- If any part of a new or reconstructed dwelling unit or ADU is less than 25’ or the 100-year geologic setback (whichever is greater) from a coastal bluff. The 100-year geologic setback shall be evaluated without consideration of coastal protection structures.

Discretionary Permits and Other Reviews

As described above, relief from site and structural standards (the minimum amount necessary) can be provided if SB 9 project not otherwise feasible, and no variance / minor exception required, but floor area is limited 800 sq.ft. per primary dwelling unit. No SB 9 project shall be allowed that requires a discretionary use permit other than a Coastal Permit (such as large dwelling, intensification of nonconforming use, etc.)

Lot legality

Any vacant parcel proposed for an SB 9 development or lot split must itself be legal – created in compliance with the Subdivision Map Act and County regulations in effect at the time of creation. Contact County Planning staff to obtain a “Simple Lot Legality Determination,” to determine whether a formal lot legality / certificate of compliance application may be required.

Bank / Mortgage Implications

In some cases, banks may have concerns. Owners are advised to check with banks as needed before applying.

Building and Fire Codes

All new construction must comply with current building and fire codes. If a structure is changed by the addition of new attached units, or a new property line located close by, new fire code and building code provisions may apply. However, per State law, attachment of ADUs or JADUs does not change the Residential Occupancy Classification. The following requirements are noted here for convenience:

- If any dwelling, ADU, Junior ADU or other structure is less than 10’ from another structure or 5’ from a property line other than the lot front or street side, a 1-hour wall firewall is required per fire code. Door and window openings in the firewall shall not exceed 25% of wall area.
- If an ADU is unsprinklered and less than 10 feet from another structure on the same parcel, a 1-hour fire wall is required; if less than 6 feet, no windows or door openings are allowed in the firewall.



- If a proposed lot split would result in an existing structure less than 5 feet to a new property line, prior to Map recordation a building permit shall be obtained and finalized to bring the structure into compliance with building and fire codes.

Buildability

Any SB 9 project involving a vacant parcel must meet standard buildability criteria.

- **Water** The parcel must have a “Will Serve” letter from a water district or water mutual, or an Individual Water Service Permit issued by the County Environmental Health Department for a well or other water source.
- **Sewer/Septic** The parcel must have or qualify for a compliant sewage disposal system, either a septic system approved by the County Environmental Health Department or a sewer connection issued by the County Public Works Department or Salsipuedes Sanitation District as applicable.
- **Emergency Vehicle Access** The building site must be accessible to emergency vehicles such as fire trucks. Contact local fire district for access requirements and status, applicable to both new and existing driveways and roads.
- **Site Safety** The building site must be free from geologic hazards to the extent that the safety of the structure can be ensured. A geological report and/or soils report (also called “geotechnical”) may be required to assess or address environmental/safety concerns.
- **Legal Access** A parcel may not be used as a building site unless its principal frontage and access is located on a public or private right-of-way. The existence of a private right-of-way is typically found on the property deed, title report or recorded map.