



**Senate Bill 9 (SB9)** 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 separate parcels of approximately equal size. SB9 projects are only subject to objective standards that involve no personal or subjective judgment by a public official.

This 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 SB9 projects. **NOTE: the standards listed are not exhaustive<sup>1</sup>. Early consultation with planning staff is strongly recommended to ensure SB9 eligibility and confirm applicable objective standards.** Please review the Santa Cruz County [Senate Bill 9 Guide](#) to learn more.

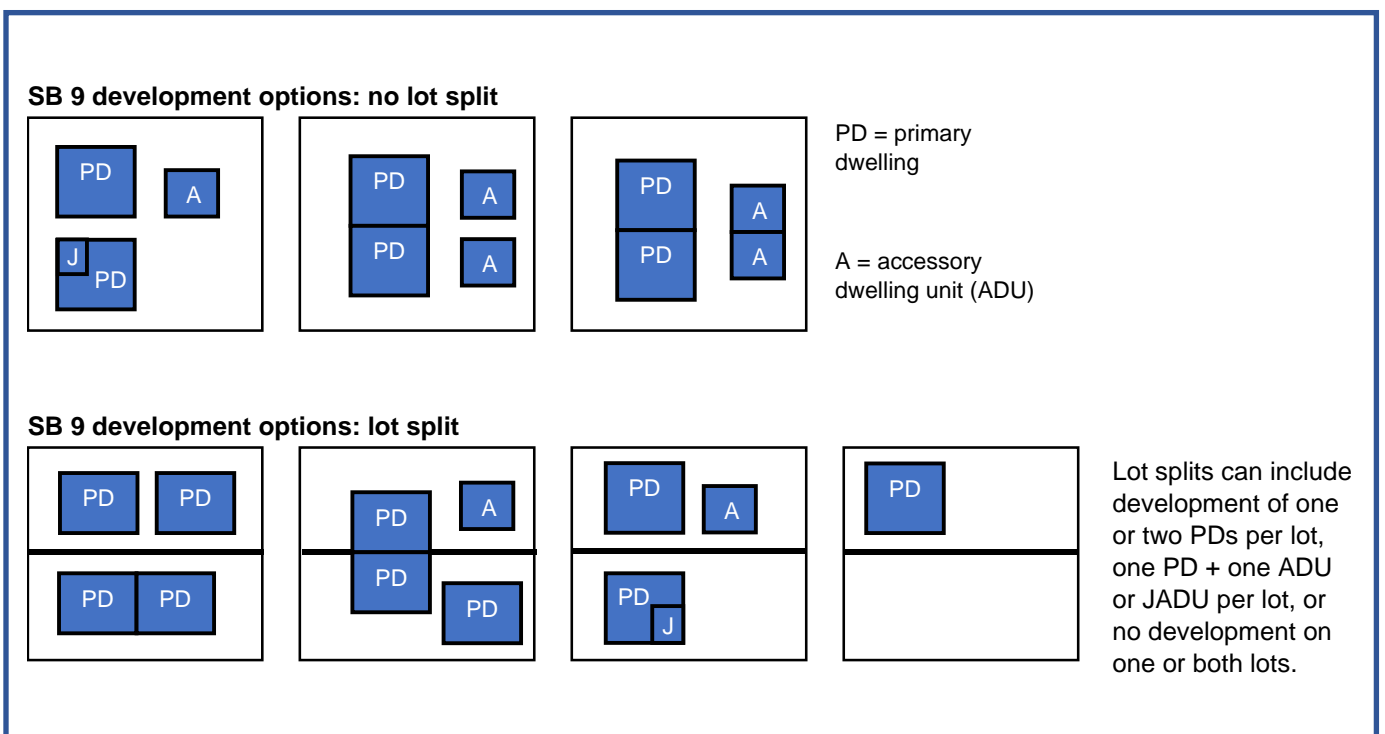
**Zone Districts where SB9 Projects are Allowed**

- 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. SB9 projects rely strictly on zoning.*)
- RB (Beach Residential)

**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:

- Without SB9 land division = Maximum 4 units per existing parcel
  - 2 primary dwellings + 2 ADUs, or
  - 2 primary dwellings + 1 ADU + 1 JADU
- With SB9 land division = Maximum 2 units on each new parcel
  - 2 primary dwellings per parcel, or
  - 1 primary unit + 1 ADU per parcel, or
  - 1 primary unit + 1 JADU per parcel, or
  - 1 primary unit per parcel, or
  - 1 primary unit on one parcel and one vacant parcel



<sup>1</sup> Applicants should contact a designer, architect, or land-use consultant familiar with local regulations to prepare building permit applications for dwellings, accessory dwelling units, and lot splits under SB9. Alternatives and exceptions to County Standards are considered only when compliant design is not possible. When exceptions are unavoidable, design and siting of development shall maximize neighborhood light and air and minimize environmental impacts. Where County Standards concern health and safety or the physical environment, additional applications or mitigations may apply or may result in denial.



**Objective Development Standards<sup>2</sup>**

Standards are based on net site area. Net site area is parcel area minus right-of-way or access corridor.

	Primary Dwelling	ADU (See online <a href="#">ADU guide</a> for standards and conditions)
Front Yard	See applicable Zoning District Standard (ZS) (Example: 15' min. in R-1-4; 20' in R-1-5 thru R-1-15, when lots are conforming)	Zoning standard (EG., 15' min. in R-1-4; 20' in R-1-5 thru R-1-15, when lots are conforming) <i>Exception: Front setback shall not preclude 800 sf ADU.</i>
Front Yard, flag lot	Zoning standards apply Note: Front yard setback is measured from side that corridor access enters lot – e.g., street side. <i>If ZS not feasible for dwellings of at least 800 sq.ft., reduce the minimum amount necessary.</i>	Zoning standards apply Note: Front yard setback is at the side where the corridor access enters lot – e.g., street side. (EG., 20' in R-1-5 to R-1-16) <i>Exception: Front setback shall not preclude 800 sf ADU</i>
Side Yards	Zoning standard for dwellings greater than 800 sf. 4' setback for dwellings less than or equal to 800 sf. No setback required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure. Firewall if setback less than 5'.  <i>Zoning standard on parcels less than 60' wide is 5'. ZS on parcels less than 10,000 sf usually 5' one side and 8' one side, 10' street side.</i>	With a lot split: 4' setback for to street side or interior side. Per SB9, no setback required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure. Firewall if less than 5'.  With no lot split - ADU standards apply: 4' setback to interior side and street side. Measure to property line or to edge of right-of-way, whichever is most restrictive.
Rear Yard	Zoning standard for dwellings greater than 800 sf. 4' for dwellings less than or equal to 800 sf. No setback required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure.  <i>Zoning standard rear yard is usually 15' except for parcels greater than one acre.</i>	With a lot split - SB9 standards apply: 4' setback for new structures. No setback required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure.  No lot split - ADU standards apply to new structures: 4' setback for any area < 16' height. 8' setback for any area > 16' height. <i>Exception: 4' min. for enclosed stairways and 2' for unenclosed stairways.</i>
Pleasure Point Standards	Meet Pleasure Point Standards per code <i>If required 2<sup>nd</sup> story setbacks not feasible for a structure of 800 sq.ft., reduce the minimum necessary. Maximum side and rear setbacks 4.'</i>	ADUs are not subject to PP setbacks – see standards above for required setbacks. Max height, ADU over garage in Pleasure Point: 22' at roof peak, 18' at exterior wall except under gable.
Height	Zoning Standards apply: Dwellings 28' maximum Exception: 25' in RB district and certain Special Subdivisions	<i>Stand-alone ADU:</i> Inside USL: 16 ft Outside USL: Zoning standard, usually 28' <i>ADU over detached garage, USL:</i> 24 ft (20 ft at outside wall) <i>Attached ADU: Zoning standard, usually 28'</i> <i>JADU Conversions: for any new floor area, ADU stds.</i>
# of Stories	Urban: 2 Rural, less than one acre: 2 Rural, one acre or more: No limit (except height)	Inside Urban Services Line: 2 (as consistent with height limit) Outside USL, less than one acre: 2 Outside USL, one acre or more: No limit on stories; 28' max height
Lot Coverage	Zoning Standards apply: (e.g., For R-1-3.5 through R-1-15: 40% maximum) <i>If 40% not feasible up to two 800 sq.ft. dwelling units are allowed or one new 800 sq ft unit on site with existing unit.</i>	Zoning Standards apply: (e.g., For R-1-3.5 through R-1-15: 40% maximum + up to 800 sq.ft. based on floor area of <u>one</u> ADU)
Floor Area Ratio	Zoning Standards apply: 50% (no limit in R-1->1 acre / RA / RR) <i>If 50% not feasible, up to two 800 sq.ft. dwelling units are allowed or one new 800 sq ft unit on site with existing unit.</i>	Zoning Standards apply (e.g., For R-1-3.5 through R-1-15: 50% + up to 800 sq.ft. based on ADU floor area)
Min. Separation	10' to another dwelling unit unless connected by breezeway	3' to any dwelling unit, ADU or other structure
Accessory structures garages/carports etc.	Accessory structures must comply with all current standards. New accessory structures are not permitted where these would result in a requirement for an exception to the above standards for the construction of proposed 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 <sup>nd</sup> story rooftop decks prohibited. Structural encroachments associated with Accessory Dwelling Units must preserve minimum two-foot interior side and rear setbacks.	

<sup>2</sup> 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.



## Types of Structures Allowed

- Single-family structures or duplex structures allowed. Duplexes may include either two primaries or a primary + ADU / JADU).
- 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.
- 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 change the Occupancy Classification, but may trigger fire code considerations.

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

*No SB9 Lot Split.* For projects that do not propose an SB9 lot split, the project may develop two primary units PLUS any ADUs and/or Junior ADUs that would ordinarily be permitted under ADU law, up to the four maximum units allowed under SB9. These ADUs and JADUs are not eligible for SB9 exceptions and must comply with the Santa Cruz County Code/state ADU law. For complete ADU / JADU standards, see brochure linked [here](#).

*With SB9 Lot Split.* For projects that include an SB9 lot split, up to two units on each resulting lot are allowed. ADUs and Junior ADUs count toward this two-unit limit. When an ADU is considered one of the two SB9 units and cannot be otherwise be built in accordance with current County Code, it may take advantage of SB9 standards and exceptions (see table above); 2-BR ADUs up to 1,000 still allowed.

Reduced ADU fees: 13.10.681(H)(3)(a) - No impact fees are charged on JADUs or on ADUs less than 750 square feet. Building permit review fees are also reduced.

Find more information about ADU standards at (<https://www.sccoplanning.com/ADU.aspx>)

## SB9 Lot Split Requirements

All lot area calculations and objective standards are based on net site area. (Net site area is parcel area minus rights-of-way and corridor accesses.)

Parcels are not eligible for an SB9 land division if they were created by an SB9 urban lot split.

### Land Division Objective Standards:

*Minimum Parcel Size.* The minimum parcel size allowed for each new lot resulting from an SB9 lot split is 1,200 square feet (gross area), or 40% of the existing parcel area, whichever is greater, based on net site area.

*Maximum Parcel Size.* The maximum parcel size allowed is 60% of the existing parcel's net site area.

For land divisions on parcels with existing primary dwellings greater than 800 sf, parcels are eligible for relief from standards (such as setbacks, floor area, etc.) if the land division would not otherwise be allowed.

Parcel maps for lot splits must indicate all structures that will be proposed for development under SB9 at any time in the foreseeable future.

### Owner Residency Requirement:

The owner of any property split under SB9 must live on the site for three years from the date of the approval of the land division. Therefore, at least one legal dwelling unit must exist on the parcel or be under construction 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. 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.



## Parking

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

### Primary dwellings

- Parking for primary dwellings shall comply with County standards. If not feasible, then reduce parking requirement per dwelling as needed, but in no case less than one parking space minimum (covered or uncovered), per primary dwelling unit (existing or proposed). Exception: on-site parking optional in locations within one-half mile walking distance of a high-quality transit corridor or bus stop (see GIS Transportation layer). Note: although several high-quality transit sites are planned within the County of Santa Cruz jurisdiction, none currently exist, so a minimum of one parking space per primary dwelling is currently required in all locations.
- If new site plan removes existing parking, remove the minimum necessary and leave no less than one parking space per primary dwelling unit, and converted parking need not be replaced. Parking spaces may not be placed within a corridor access or blocking a right-of-way.

### ADU Parking

- Outside the Coastal Zone  
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 for the ADU but parking for the primary dwelling may remain nonconforming. Exception: no added parking required within 0.5 mile of a public transit stop (see GIS Transportation layer). No replacement parking required for conversion ADUs / JADUs or surface parking demolished for ADUs / 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. 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 space. Replacement parking is required for conversion ADUs but not for JADUs.  
Outside Designated areas: Same as outside the Coastal Zone (see above).
- Parking space minimum size is 8.5 feet by 18 feet. Compact spaces not allowed unless required parking exceeds six spaces, consistent with 13.10.553(E)
- 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. *If not feasible to allow 800 sq.ft. structures, the 50% maximum shall be increased the minimum amount necessary.*

### **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.



**Tenant Occupancy, Demolition, Structural Modification, Nonconforming Structures**

Demolition or Alteration: No SB9 project may entail demolition or substantial alteration (more than 25% of exterior walls) of a dwelling that has been 1) occupied by a tenant 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.

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 SB9.

All *new* lot lines shall conform to Zoning standards if possible, including to existing dwellings. If it is not possible to meet Zoning Standards between new property lines and existing structures or to allow new dwellings of at least 800 sq.ft., the required setbacks may be reduced. Such reductions shall be the minimum amount necessary to facilitate the project.

**Fencing**

Fencing shall comply with SCCC 13.10.525: Regulations for fences and retaining walls within required yards. Chain-link fencing will usually not be acceptable.

**Parcel Size, Frontage and Width**

Non-standard parcel size, frontage or width does not limit primary dwellings to 800 sq.ft.

**Access, Frontage**

Note: check fire and building codes for minimum access requirements.

<p>Street Frontage: Zoning standard (ZS)          R-1-5, minimum frontage 50’.          R-1-6 through R-1-16, minimum frontage 60’          If insufficient frontage exists to meet standard for side-by-side parcels, design corridor access.</p>	<p>Width: Zoning standard          R-1-5: 50’. R-1-6 to R-1-16, 60’          If insufficient existing frontage exists to meet standard for two side-by-side parcels, design corridor access.</p>
<p>Corridor Access (flag lot): 20’ minimum width. <i>If 20’ not feasible, reduced frontage or width on adjoining lot as needed and/or apply minimum corridor width necessary to construct compliant fire access and drainage without infringing on front parcel. If ADU not feasible on 20’ corridor access parcel, corridor access requirement and 20’ minimum width shall not be waived solely to allow ADU. Non-standard corridor access width does not automatically limit primary dwelling size to 800 sq.ft.</i></p>	
<p>New right-of-way: 40’ min. <i>If not feasible, less than 40’ r.o.w. evaluated site by site, reduced the minimum amount necessary to allow 1,200 sq.ft. lots or 800 sq.ft. dwellings with compliant fire access. Do not reduce r.o.w. width solely to facilitate ADU. Nonstandard r.o.w. width does not automatically limit primary dwelling size to 800 sq.ft.</i></p>	
<p>Fire Department Access Standards: 12’ minimum driveway for 1-2 dwellings plus 1-2 ADUs; 18’ minimum driveway for 3 or more primary dwelling units. Fire turnaround, turning radius, slope, surface, etc. apply. Contact applicable fire agency.</p>	

**Grading**

Prohibited on slopes greater than 30% unless no alternative and project complies with other objective standards. Any grading 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.

**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 SB9, but does not apply to the ADU and JADU allowed with a primary dwelling.



### Agricultural Resources

No SB9 project is allowed on any parcel subject to a resource protection easement, open space easement or Williamson Act contract.

No SB9 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.

#### SB9 development with or without lot split:

Vacant parcel – SB9 development not allowed if any proposed habitable structure is less than 200' from agricultural resource land (as mapped in GIS under Land Use tab).

Developed parcel – SB9 project not allowed if:

- Any proposed new primary dwelling is less than 200' from ag resource land.
- Any ADU or habitable accessory structure greater than 1,000 sq.ft. is closer to ag resource land than an existing dwelling.

### Environmental and Cultural Resources

In order to be eligible for SB9, 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](#).

SB9 projects are not allowed on parcels where any part contains the following resources:

- 1) Prime farmland or farmland of statewide importance, or land zoned or designated for agricultural protection or preservation by a local ballot measure
- 2) Riparian Corridors per SCCC [Ch. 16.30](#).
- 3) Wetlands as defined by the United States Fish and Wildlife Service and Santa Cruz County Code
- 4) Significant trees per SCCC [Ch. 16.34](#), unless 3:1 replacement provided for any affected significant tree.
- 5) Lands identified for conservation in an adopted natural resource protection plan
- 6) Habitat for state or federally protected species, or County-designated Special Forest, native or mixed native grassland, or other County-designated environmentally [sensitive habitat](#).
- 7) Lands under conservation easement
- 8) A historic district or property included on the State Historic Resources Inventory or a County historic landmark, property or district.
- 9) Archeological or tribal cultural resources.

SB9 projects must meet state and local mitigation criteria if located in following hazard areas:

- 1) Very high or high fire hazard severity zone
  - Mitigation required: Adopt applicable fire hazard mitigation measures
- 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 SB9 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.



## Environmental Health Regulations

To confirm regulations with respect to a specific parcel within a Census Urbanized Area, you may email [environmentalhealth@santacruzcounty.us](mailto:environmentalhealth@santacruzcounty.us).

On parcels with onsite septic, no SB9 lot splits are allowed that would create parcels smaller than one acre (gross area), with the following exception:

- Areas where, if the parcel is served by a public water supply, the minimum is 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 SB9 project is not allowed in the following areas:

- Slopes greater than 30%
- Within 100 feet of a 100-year floodplain

## Design

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

## Landscaping

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 SB9 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 Land Division**

### Coastal Permitting

A Minor Coastal Permit is required for:

- Any SB9 lot split.
- Any SB9 dwelling group not within the Residential Exclusion Area.

ADUs require a “hybrid” building permit with Coastal findings.

### Coastal Density

The density of any proposed primary dwelling group and the size of any proposed parcel to be established by a lot split must be consistent with current General Plan and Zoning district. For example, within the R-1-5 (single-family residential, 5,000 sq.ft. minimum parcel size) zoning district, the parcel’s net developable area must be at least 10,000 sq.ft. in order to construct two primary dwelling units, and any new parcels must include at least 5,000 sq.ft. of net developable area. 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. In a lot split, the net developable area of the largest parcel cannot exceed 60% of the original net developable parcel area, nor can the net developable area of the smaller parcel be less than 40% of the original net developable parcel area.

Until the LCP is amended, all other objective standards in the Coastal Zone shall continue to apply, including Coastal Permits, standard zoning setbacks, maximum floor area and lot coverage for primary dwellings, Coastal design criteria, and design review where applicable.

### Coastal Hazards

The following projects are ineligible for SB9 processing and also require a standard Coastal Development Permit:

- 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.
- Any grading that:
  - Exceeds 100 cubic yards
  - Entails unretained grading on a 30% slope
  - Is less than 300 feet from the top of a coastal bluff
  - Is within riparian habitat or sensitive habitat

## **Discretionary Permits and Other Reviews**

No SB9 project shall be allowed that requires a discretionary permit for an exception to objective standards – or requires any other discretionary review.

## **Lot legality**

Any vacant parcel proposed for an SB9 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.





### Common Interest Areas, HOAs and CC&R's

Existing or proposed common interest developments are not eligible for SB9 processing.

Additional note: SB 9 does not override Homeowner Associations (HOAs) or Covenants, Conditions and Restrictions (CC&Rs). If the application affects a development with CC&Rs, the applicant should check with the HOA. A project can be approved by the County irrespective of HOA requirements. Disputes over CC&R requirements are civil matters.

### Buildability

Any SB9 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.