



City of East Palo Alto

Planning & Housing Division

1960 Tate Street, East Palo Alto, CA 94303

Phone: 650-853-3189 • Fax: 650-853-3179

E-mail: planning@cityofepa.org • Website: www.cityofepa.org/planning

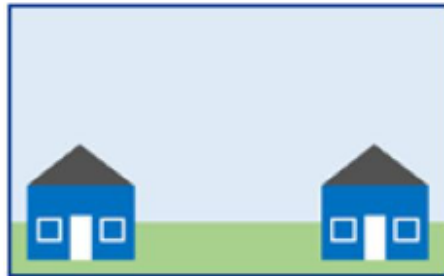
Senate Bill (SB) 9 Overview

1. What is Senate Bill 9?

Senate Bill (SB) 9 allows ministerial (staff level) approval of certain housing projects with up to two dwelling units within the **R-LD Single-Family Residential Zone**.

2. The following development activities can be approved via the SB 9 ministerial process:

- **Two-unit housing development:** SB 9 allows housing development projects containing no more than two primary units on the eligible R-LD Single-Family Residential parcel (up to two (2) new dwelling units or one (1) new unit with one existing unit on the lot).

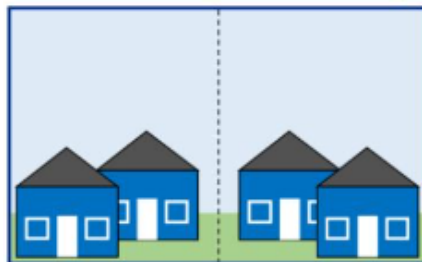


Two detached single-family units



One two-family unit

- **Urban Lot Split:** a one-time subdivision of a R-LD Single-Family Residential parcel into two (2) parcels, which allows up to a total of four (4) units.



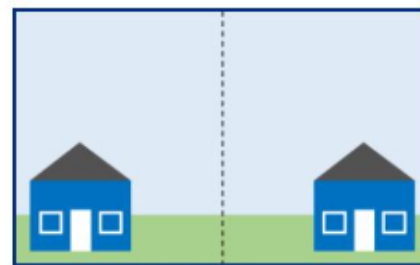
Two detached single-family units on each lot



One single-family unit,
One two-family unit



Two two-family units



Two single-family units



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3. Qualifications for SB 9 Two-Unit Developments and Lot Splits

Requirements for Two-Unit Developments
<ul style="list-style-type: none">• Exterior Wall Removal. The SB 9 project cannot remove more than 25% of exterior walls on a site that has a tenant or has had a tenant in the last three (3) years. (<i>Even if the rental unit itself is not altered.</i>)• Percolation Test. The applicant may be required to conduct a percolation test if the parcel has on-site wastewater treatment.
Requirements for Lot Splits
<ul style="list-style-type: none">• Lot Size. The parcel must be at least 2,400 square feet. The new resulting lot cannot be less than 40% or more than 60% of the original lot size, and both newly created parcels must be at least 1,200 square feet.• Prior SB 9 Lot Split. Any parcel established through a previous SB 9 urban lot split is not eligible. SB 9 may not be used to subdivide a parcel more than once.• SB 9 Lot Split Adjacency. Parcels where either the owner of the parcel or any person acting in concert with the owner, has previously subdivided an adjacent parcel using an urban lot split under SB 9 are not eligible.• Vacancy/Owner-Occupancy. The site has been either vacant or only owner-occupied for three (3) years prior to application submittal. Please be prepared to provide evidence of owner-occupancy including but not limited to: property tax records, income tax records, utility bills, vehicle registration, or similar documentation.• Subdivision Map Act. The SB 9 lot split project must conform to all relevant objective Subdivision Map Act requirements.• Easements. Easements are required for the provision of public services and facilities.
Addition Lot Split Requirement
<ul style="list-style-type: none">• Owner Occupancy. Owners must sign an affidavit to state they intend to live in one of the units for three or more years as their primary residence unless the applicant is a “community land trust” or a “qualified non-profit corporation” as defined by the Revenue and Taxation Code. Please be prepared to provide evidence of owner-occupancy including but not limited to: property tax records, income tax records, utility bills, vehicle registration, or similar documentation.

Please refer to the SB 9 Project Checklist for the full list of SB 9 qualifications.

4. SB 9 Development Standards

SB 9 Development Standards
<ul style="list-style-type: none">• Setback. A minimum of four (4)-foot <u>side and rear setbacks</u> must be maintained for new construction. The City will not require any setback if utilizing an existing structure or rebuilding a same-dimensional structure in the same location as an existing structure.• Parking. One (1) parking space <u>per unit</u> will be required unless the project is within ½ miles of a “high-quality transit corridor” or “major transit stop” or one block of a carshare vehicle.



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- **Unit Size.** The City zoning development standards cannot preclude two (2) units of at least 800 square feet.
- **No Short-Term Rental.** Units created by SB 9 are not allowed to be used for short-term rental. Applicant(s) must sign an affidavit stating that units created by SB 9 can only be used for rentals of more than 30 days.
- **Public Health and Safety.** SB 9 project can be denied if it creates a “specific, adverse impact on public health and safety”. Must be determined in writing by a building official, based on inconsistency with objective standards and without feasible mitigation measures.
- **Residential Use Only.** SB 9 projects are limited to residential uses only. Proposed housing may include connected structures as long as they comply with building code safety standards and are sufficient to allow separate conveyance.

City of East Palo Alto Municipal Code R-LD Residential objective zoning standards, subdivision standards, and design standards are imposed on top of the SB 9 development standards.



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5. Application Review Process

The SB 9 projects shall go through two review processes: a streamlined Zoning Clearance review from the Planning Division and a building permit review from the Building Division. Please see the details in the flow chart below:

