

# Senate Bill 9 -City of Citrus Heights

## Frequently Asked Questions

**What is Senate Bill 9 (SB 9)?** SB 9 was signed into law by Governor Newsom on September 16, 2021 and becomes effective on January 1, 2022. SB 9 focuses on adding opportunities for infill housing in existing single-family neighborhoods. SB 9 can be broken into two primary components: 1) provisions that allow subdivisions of a single-family zoned lot into two lots; and 2) provisions that allow construction of two units on a single-family zoned property. These provisions can be used in concert, so an applicant could subdivide and build two units on each parcel.

Both two-unit projects and subdivisions authorized under SB 9 must be processed ministerially, meaning no public hearing and no review under the California Environmental Quality Act (CEQA). Applications for SB 9 developments are available from the Planning Division (916) 727-4740 or email [planning@citrusheights.net](mailto:planning@citrusheights.net).

***The following FAQ's apply to both Two-Unit Development and Urban Lot Splits proposed under SB 9.***

**Can I modify and/or demolish an existing residential unit and then develop the property under SB 9?** If the existing living unit has been occupied by a tenant within the prior three years, the unit may not be altered or demolished for the development of an SB 9 project. In certain other situations a unit may not be modified or demolished. Criteria for lot splits can be found in CHMC Section 82-751 and for two-unit developments, refer to CHMC Section 106.42.260.A.3.

**Can the units be used as a short-term rental?** Any housing unit developed under SB 9 must be rented for periods longer than 30 days.

**If my property is within a flood hazard area, am I eligible to develop under SB 9?** SB 9 overrides the City's requirements for no new structures in the flood hazard areas ***in certain situations as listed below:***

Property in 100-year flood hazard areas: SB 9 states a development may occur within a flood hazard area if either of the following are met:

- The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
- The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii).

The property owner will need to obtain a LOMR (Letter of Map Revision) from FEMA before the portion in the floodplain can count towards the property's net area. A LOMR requires surveyed elevations of the parcel and the adjacent ground, grading plans for proposed grades AND a hydraulic study for the watershed where the parcel is located. FEMA reviews this and determines that the new development brought this parcel/area above the BFE (Base Flood Elevation) and the LOMR is issued.

The LOMR is issued AFTER the grading work is completed. In the interim, the developer would need a CLOMR (Conditional LOMR) that approves the proposed work with the condition of actually getting it done (and any other FEMA conditions put upon the proposed work).

Floodway: If development is proposed within a floodway, the property owner will need to conduct a hydraulic study to demonstrate there is zero-rise upstream & downstream of the floodway if the development was constructed.

***Note: Either situation will require an extensive hydraulic study. These exemptions only apply to development of a residence (not any accessory structures) proposed under SB 9. Development proposed without the application of SB 9 must comply with City of Citrus Heights' Floodplain Management Regulations and Policies.***

**If my property has a creek, does the creek setback apply?** Creekside setbacks are not applied to SB 9 developments, however, often times the area surrounding a creek is within a flood hazard area and development in those areas is permitted in limited situations and described in FAQ above.

### ***The following FAQ's apply to Two-Unit Development proposed under SB 9.***

**Is there a maximum square footage allowed for the units under SB 9?** Unlike ADUs where the maximum size allowed is 1200 sf, housing development under SB 9 is not capped at a maximum size. The allowable size is only limited by the objective development standards i.e. lot coverage, setbacks, access, parking etc. It should also be noted that regardless of the development standards, a minimum of two 800 sf living units would be allowed. Refer to CHMC Section 106.42.260 for the standards for two-unit developments.

**Must parking be provided for the development?** Each unit must be provided at least one parking space with a minimum size of 9 feet wide x 20 feet in length. The parking space may be covered or uncovered. In certain situations an exemption from the parking requirement is allowed. Refer to CHMC Section 106.42.260.B.4 for exemption criteria.

**Can I apply for the two-unit development on my property under SB 9?** The legislation allows two-unit developments in single-family zones. In Citrus Heights, RD-1 through RD-5 and Special Planning Areas (SPAs) where single-family is allowed, are considered single-family zoning and would qualify for the two-unit development.

**If I have an existing home on my property, can I add another home?** If the property is zoned RD-1 through RD-5 or in an SPA that allows single-family, the property would qualify as eligible under SB 9 for

an additional unit. It should be noted that if the property already has two-units, including a duplex, an ADU or JADU, an additional unit would not be allowed. The maximum number of units per lot allowed under SB 9 is two.

**Can I build a duplex?** An attached two-unit structure may be constructed and would count as two units. However, the utilities provided for each of the units shall be independent of each other.

**What are the application fee/process for Two-Unit Development projects?** Applications for Two-Unit Developments will submit an application for site plan review to the Planning Division. After the site plan has been approved, the applicant can submit to the Building Division for permit. There are no fees paid to the Planning Division for the review of the two-unit development under SB 9. Fees are collected and paid when drawings are submitted to the Building Division for the permit. For more information on fees, refer the Development Impact Fee Brochure or reach out to the Building Division at (916) 727-4760.

***The following FAQ's apply to Urban Lot Splits proposed under SB 9.***

**If a property is subdivided, do the lots have to meet the minimum size requirements for the zoning district?** Under the subdivision provisions of SB 9, the property does not have to meet the minimum lot size requirements of the zoning district but each lot must be at least 1,200 square feet. The land division must create two roughly proportional lots. To ensure rough proportionality, SB 9 specifies that one lot cannot be less than 40 percent the size of the other.

**How is the lot area calculated?** Net area deducting any flood zone or floodway unless meeting the criteria as stated in CHMC Section 106.42.260.A.2.

**What access is required to the new lot?** Each lot shall have direct access to or adjoin the public right-of-way. A recorded easement can be considered direct access if the easement is at least 20-feet in width and the easement connects to a public street.

**Will frontage or street dedications be required?** Easements may be required to convey public utilities, access, and other services. Offsite dedications or improvements are not required for projects developed under SB 9.

**Must the property owner live on the property?** If a property is subdivided under SB 9, the applicant must sign an affidavit stating they intend to live on either of the parcels as a primary residence for at least three years. In addition, the owner of the property being subdivided may not own any adjoining property or work in concert with an adjoining land owner.

**What is the application fee/process for an Urban Lot Split?** Applications for an Urban Lot Split must be filed with the Planning Division for review. The application fee is collected on a time/material basis. Check with the Planning Division for more information on processing.