



City of Costa Mesa SB 9 Implementation Policy

Subject: California Senate Bill (SB 9) Two-Unit Developments and Urban Lot Splits
Effective Date: Immediately

PURPOSE

The City is in the process of updating code provisions facilitating SB 9. In the meantime, this policy affirms the City's commitment to implement SB 9 in a manner consistent with the guidance provided by the California Department of Housing and Community Development (HCD).

WHAT IS SB 9?

SB 9 is a state law that went into effect on January 1, 2022, that allows homeowners in single family zones to split their lot and build up to two units on a single lot. In short, it lets property owners of single-family homes in Costa Mesa to:

- Split their lot into two parcels ("urban lot split"), and
- Build up to two homes on each parcel, effectively allowing up to four total units where only one was previously allowed.

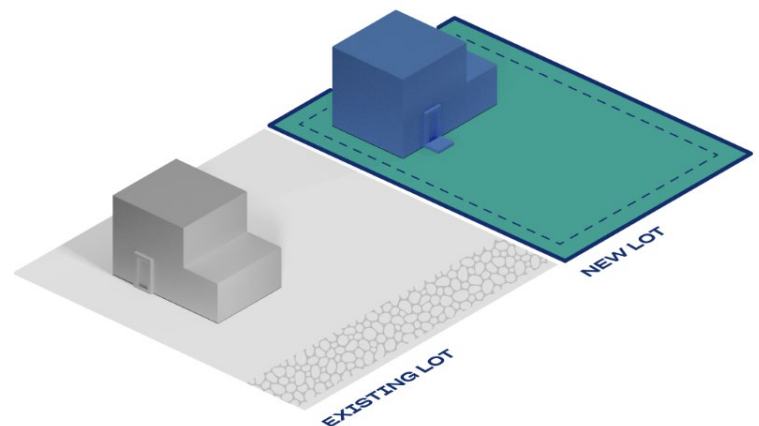
These projects are approved ministerially, meaning without discretionary review, public hearings, or CEQA environmental review, if they meet specified objective standards within [Urgency Ordinance 2021-21](#).

POLICY STATEMENT

Pursuant to SB 9 and HCD guidance, the City shall permit the following three options:

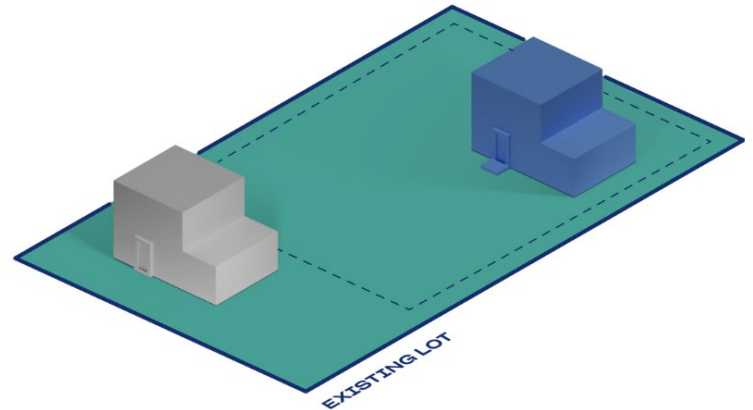
1. Urban Lot Split

A property owner may split one qualifying lot into two parcels, each resulting lot may support up to two units (primary units or Accessory Dwelling Units ("ADUs"), per state and local regulations), potentially resulting in four total units across both lots.



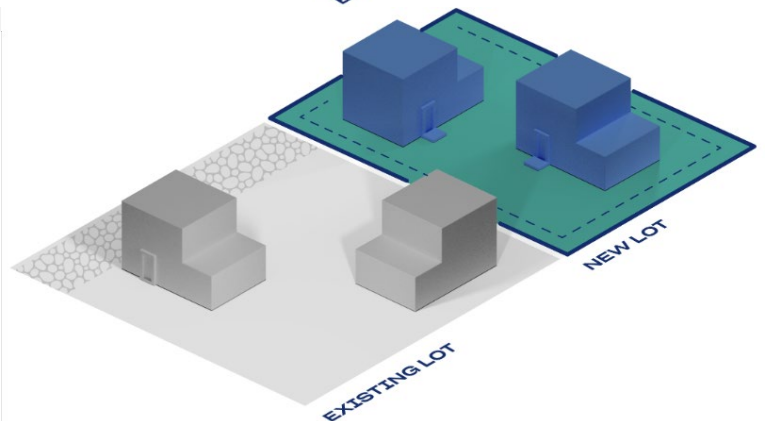
2. **Two-Unit Development (No Lot Split)**

A property owner may construct two units on a single-family parcel, even without subdividing the lot. For a two-unit development on a single lot, up to two primary units may be constructed, plus two ADUs resulting in four total units.



3. **Lot Split and Two-Units**

A mixture of above. A property owner may divide the parcel and add up to two units on each parcel for a total of four total units.



***A maximum of four dwelling units are allowed, regardless of the option chosen.**

APPLICABILITY

- This policy applies to **R1 (single-family residential district) parcels** as defined under SB 9.
- New units may include primary units, detached or attached, and ADUs only to the extent that such ADUs do not exceed the total allowed under SB 9.

FREQUENTLY ASKED QUESTIONS

1. How do I know if I can develop my property under SB 9?

There are several qualifying criteria for development under SB 9 in Costa Mesa including:

- For both development types (lot split and two-unit development), an eligible parcel must be in a single-family residentially zoned area.
- May not be on a parcel with an affordable or deed restricted unit.
- Only individual property owners may apply for an urban lot split, meaning a person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. Individual property owners do not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.). Exceptions allow a community land trust (as defined by Rev. & Tax Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Section 214.15) to apply. A title report will be required during plan check to verify individual property ownership.
- May not be located in a high or very high fire hazard zone as designated by CalFire.

- May not be located on a hazardous waste site or delineated earthquake fault zone as determined by the State Geologist.
- May not be in a special flood hazard zone or regulatory floodway.
- May not be a historic landmark or in a historically designated Historic District.
- For Urban Lot Splits - The parcel may not have been created by a previous SB 9 lot split, nor may it be adjacent to another lot split performed by the same owner under SB 9.

2. How many units can I build?

There are a variety of site plan layouts for both two-unit developments and urban lot splits, but in any given scenario there is a maximum of four units that can be developed.

3. How do I apply for an SB 9 project?

- For two-unit development, submit a building permit application on [TESSA](#).
- For a Lot-Split, submit a parcel map application on [TESSA](#). Once the map has been processed, submit a building permit application on [TESSA](#).

4. Can my HOA prohibit me from building on my property using SB 9?

SB 9 does not currently override the Covenants, Conditions, and Restrictions (CC&Rs) commonly used by HOAs; therefore, HOAs currently maintain the authority to either allow or prohibit SB 9 developments within their respective boundaries.

5. Will I be notified if one of my neighbors decides to build on their property using SB 9?

No, since SB 9 developments are required by the State to be approved ministerially, there is no public notification or hearing required and City may not apply a requirement for discretionary action, such as a public hearing/notification, as a condition of approval.

6. Do I need to reside at my property to take advantage of SB 9?

- Urban Lot Split. Any property owner who moves forward with a lot split must provide a signed affidavit that they intend to occupy a unit on one of the parcels for a minimum of three years.
- Two-Unit Development. A property owner who wishes to construct two-unit development is not required to occupy the property.

A link to the most recent ordinance (Urgency Ordinance 2021-21 adopted December 8, 2021) can be found [here](#). If you have additional questions about SB 9, please contact the Costa Mesa Planning Division at (714) 754-5245 or email planninginfo@costamesaca.gov.