



CITY OF COVINA

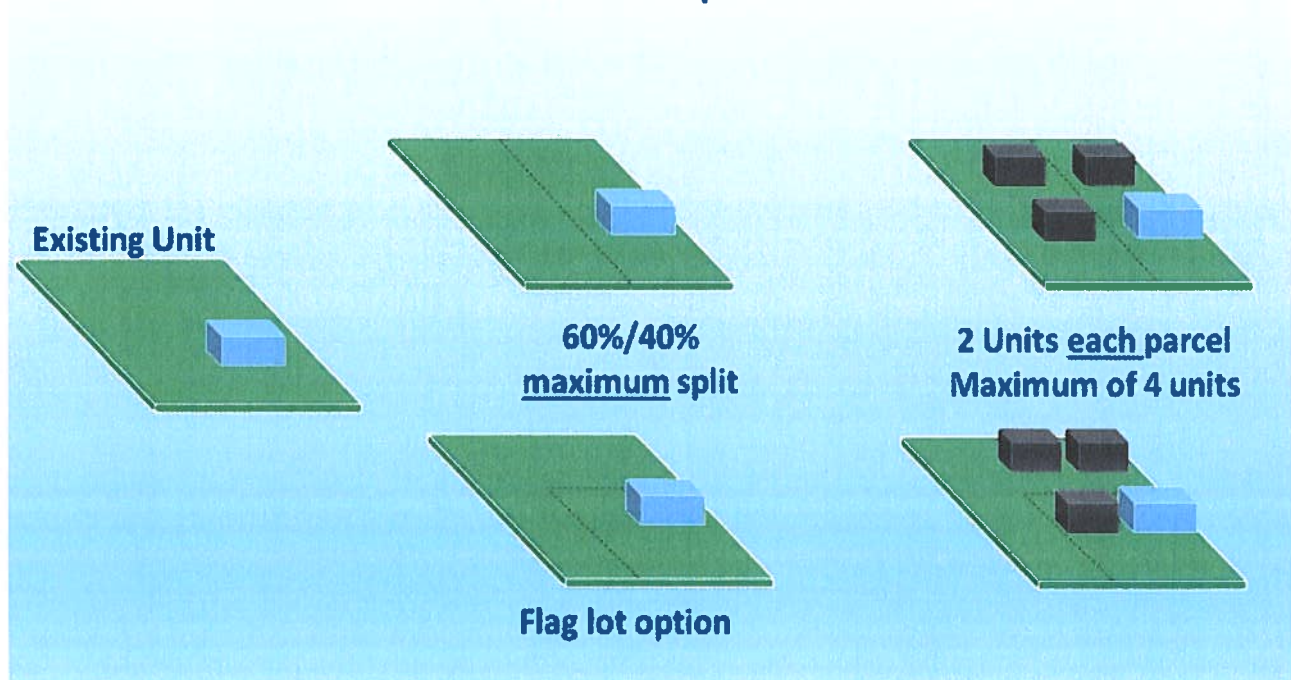
Community Development Department – Planning Division
125 East College Street • Covina, California 91723 • (626) 384-5450

SENATE BILL 9 (SB 9)

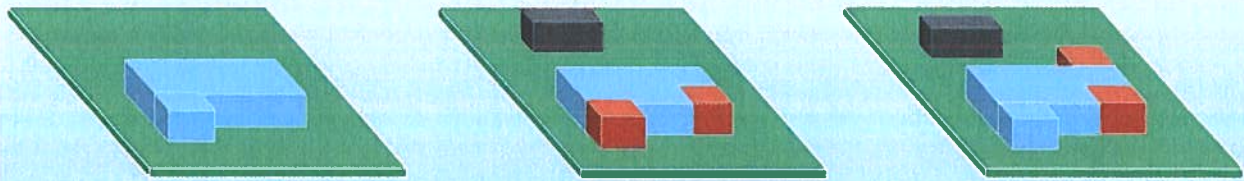
On September 16, 2021, Governor Newsom signed SB 9 into law, which became effective January 1, 2022. Subject to certain requirements, SB 9 allows ministerial (staff level, without discretionary review or hearing) approval, within single-family residential zones, of a Two-Unit Development (proposed housing development containing no more than two (2) residential units (e.g., one duplex or two (2) detached single-family homes)) and an Urban Lot split (a subdivision of one (1) lot into two (2) lots).

In most circumstances, SB 9 will result in the potential creation of up to four dwelling units from an existing single-family parcel, generally displayed in the simplified scenarios depicted below.

Urban Lot Split Scenario



Two-Unit Development without Lot Split Scenario



Parcel can have up to:

- 1 existing unit**
- + 1 ADU (garage conversion, space conversion new detached, or new attached)**
- + 1 JADU (conversion of existing habitable space < 500 SF)**
- + 1 new unit under SB 9**
-
- = 4 total *possible* units**

WHAT IS THE PROCESS FOR SB 9?

Step 1: CONFIRM THE PROJECT IS ELIGIBLE

Projects for a Two-Unit Development and/or an Urban Lot Split must meet all the criteria on the respective Senate Bill (SB) 9 Eligibility Checklist to qualify for ministerial review. A project that includes a proposal for a Two-Unit Development and an Urban Lot Split must complete both Eligibility Checklists.

- SB 9 Two-Unit Development Eligibility Checklist
- SB 9 Urban Lot Split Eligibility Checklist

IMPORTANT NOTE: SB 9 only applies to single-family residential zones. Please contact the Community Development Department-Planning Division to determine if your property is eligible.

Step 2: SUBMIT A COMPLETE SB 9 APPLICATION PACKET

If you determine your project is eligible, you may apply for the SB 9 Two-Unit Development, and/or the Urban Lot Split using the Standard Application Form. In addition, the following forms are also required for a complete application.

- Standard Application
- Owner occupancy affidavit
- Prior tenancies affidavit

- Deed restriction for Two-Unit Development
- Deed restriction for Urban Lot Split

ADDITIONAL INFORMATION REQUIRED:

Urban Lot Split. You will need to hire a Licensed Engineer to prepare a tentative parcel map and illustrate compliance with the Subdivision Map Act (Cal. Gov. Code, § 66410 *et seq.*) and Title 16, Subdivisions, of the Covina Municipal Code.

- Tentative Parcel Map Submittal Requirements

Two-Unit Development. You will need to hire a Licensed Architect or Builder Designer to prepare detailed site plan and building elevations to illustrate compliance with the applicable objective development and design standards of Urgency Ordinance 22-08.

- Site Plan Review Category “F” Submittal Requirements

NOTE: An ADU / Junior ADU is not permitted when the lot is split pursuant to SB 9.

Step 3: TIMELINES FOR MINISTERIAL REVIEW

1. **Completeness & Eligibility Review.** The City will issue a determination of completeness and eligibility within 30 days of receipt of an application.
2. **Action on the Application.** City staff will issue an approval or denial on the application within 60 days of the completeness determination.

Step 4: SUBMIT FOR BUILDING AND/OR ENGINEERING APPROVALS

Following project approval, an applicant may submit detailed construction plans to the Community Development Department-Building and Safety Division to obtain Building Permits, and Public Works-Engineering Division to obtain Encroachment Permits.

SB 9 FREQUENTLY ASKED QUESTIONS

What is SB 9 ?

Senate Bill (SB) 9 is a new law enacted by the State of California that increases the allowed density on certain single-family lots. SB 9 adds two new sections to the Government Code (§§ 65852.21 and 66411.7) that make it easier to add a second residential unit or split an existing lot (urban lot-split) in areas that meet the requirements.

Can I use SB 9 to split my parcel?

SB 9 “urban lot-splits” are subject to the same restrictions as the two-unit project according to Government Code § 66411.7. If a parcel has some of these restrictions listed under Government Code § 66411.7, please meet with a planner to determine the applicability of SB 9. SB 9 requires that each resulting lot be at least 1,200 square feet. A parcel may only be subdivided using SB 9 one time (i.e., the 2 parcels resulting from the urban lot-split may not be further subdivided pursuant to SB 9).

Can I rent out the units created by SB 9 project?

Applicants for an urban lot-split under SB 9 must sign and record a deed restriction that they will use one of the units as their primary residence for a minimum of three years. Otherwise, units may be rented, but for terms longer than 30 days (no Short-Term Rentals).

Does SB 9 apply to homeowners’ associations (HOAs)?

SB 9 does not address rules or restrictions implemented and adopted by homeowners’ associations or included in CC&Rs (covenants, conditions, and restrictions). The City does not enforce private CC&Rs.

How does the Permit Streamlining Act apply if these are ministerial actions?

Senate Bill (SB) 8, also effective January 1, 2022, extends the requirements of the Permit Streamlining Act to housing projects of one unit or more that require no discretionary approvals. As a consequence, SB 9 projects are subject to the Permit Streamlining Act’s requirements for completeness determinations (within 30 days of submittal) and approval deadlines (within 60 days of determining that the project is exempt from CEQA).

Can I partially or completely demolish an existing dwelling for SB 9 project?

You may not demolish the dwelling if it is rent-controlled, subject to affordable housing restrictions, or a renter was evicted from the dwelling in the past 15 years. You may not demolish more than 25% of an existing dwelling’s exterior walls if the dwelling has been a rental property in the past 3 years.

What about SB 9 and Accessory Dwelling Units (ADU) and/or Junior Accessory Dwelling Units (JADU)?

When a lot split occurs, up to two units on each lot resulting from the lot split are allowed, inclusive of any primary dwelling unit, ADU, JADU, or SB 9 unit. When a lot split has not occurred, the lot is eligible to receive ADUs and/or Junior ADUs as it ordinarily would under ADU law, in addition to the primary dwelling unit and SB 9 unit. In no case will more than four units may be developed under either or both SB 9’s two-unit development and urban lot split authority. Additional information on requirements for ADUs can be found in Chapter 17.69 of the Covina Municipal Code.



SB 9 URBAN LOT SPLIT CHECKLIST AND FORM

GOV. CODE §66411.7: URBAN LOT SPLITS

Community Development Department – Planning Division

125 East College Street • Covina, California 91723 • (626) 384-5450 / Fax: (626) 384-5479

Urban Lot Split/Tentative Parcel Map Questionnaire

Street Address: _____

Assessor Parcel Number (APN): _____

Proposed Tentative Parcel Map No.: _____

Property Owner name: _____ Ph: _____

Applicant Name & title (if different): _____ Ph: _____

Single Family Zone? (Yes/No and zone): Y N Zone: _____

Size of the parcel proposing to split _____ SF

Size of resulting parcels: Parcel 1 _____ SF and Parcel 2 _____ SF

Number of existing units on the existing parcel: _____

For each category, indicate no. of units and if units have been owner or renter occupied for the last 3 years:

Primary dwelling units: _____

ADUs: _____

JADUS: _____

Are existing units proposed to be demolished? (Yes/No): _____

If yes, how many? _____

Were or are any units owner or renter occupied for the last 3 years? _____

Provide the income of existing tenant or last tenant in occupancy, if known: _____

Are new units proposed in conjunction with lot split? (Yes/No): _____

If yes, in addition to existing units? _____

Provide number and size of units proposed on resulting Parcel 1: _____

Provide number and size of units proposed on resulting Parcel 2: _____

Additional comments/details:

ELIGIBILITY CHECKLIST AND REQUIREMENTS

Criteria per Gov. Code §66411.7 Urban Lot Splits and Urgency Ordinance 22-08
The project must comply with all required criteria to qualify for ministerial review

Section 1. Parcel Location & History	Qualifies? (Y/N)
The parcel to be subdivided is located in a single-family residential zone. <i>Gov. Code, § 66411.7(a)(3)(A)</i>	
The parcel to be subdivided is located within City of Covina boundary. <i>Gov. Code, § 66411.7(a)(3)(B)</i>	
The parcel does not contain any of the following (listed at Gov. Code, §§ 65913.4(a)(6)((B), (C), (I), (J), (K)): <ul style="list-style-type: none"> - Prime farmland, farmland of statewide importance, or land designated for agricultural protection by local voters - Wetlands - Lands designated for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan. - Habitat for species identified as candidate, sensitive, or species of special status by state or federal agencies, full protected species, or plant or animal species protected by state or federal law. - Lands under conservation easement. <i>Gov. Code, § 66411.7(a)(3)(C)</i>	
If the parcel contains any of the following, the project conforms with the required measures to reduce hazards (listed at Gov. Code, §§ 65913.4(a)(6)(D)-(H)): <ul style="list-style-type: none"> - High or very high fire severity zone - Hazardous waste site - Earthquake fault zone - Flood hazard area subject to inundation by the 1% flood - Regulatory floodway <i>Gov. Code, § 66411.7(a)(3)(C)</i>	
The parcel is not located in a historic district or property included on the State Historic Resources Inventory, or within a site that is designated or listed as a city or county landmark or historic property or district per city or county ordinance. <i>Gov. Code, § 66411.7(a)(3)(E)</i>	
The parcel was not established through a prior exercise of a Section 66411.7 lot split (urban lot split) <i>Gov. Code, § 66411.7(a)(3)(F)</i>	
No parcel adjacent to this parcel was subdivided by the owner of this parcel of an person acting in concert with the owner of this parcel through a Section 66411.7 lot split (urban lot split) <i>Gov. Code, § 66411.7(a)(3)(G)</i>	

Section 2. Lot Split Impacts & Outcomes	Qualifies? (Y/N)
<p>The lot split will result in no more than 2 new parcels. <i>Gov. Code, § 66411.7(a)(1)</i></p>	
<p>Each of the resulting parcels will constitute at least 40% of the lot area of the original parcel. <i>Gov. Code, § 66411.7(a)(1)</i></p>	
<p>Each of the resulting parcels will be at least 1,200 square feet in size. <i>Gov. Code, § 66411.7(a)(1)</i></p>	
<p>No more than two units are proposed on each lot (inclusive of ADUs). <i>Gov. Code 66411.7(j)</i></p>	
<p>The lot split will not result in the demolition or alteration of affordable housing with rents restricted to levels affordable to persons and families of moderate, low, or very low income, rent-controlled housing, housing which has been removed from the rental market in the last 15 years by Gov. Code, § 7060 (Ellis Act), or housing that has been occupied by a tenant in the last 3 years.</p> <ul style="list-style-type: none"> - The property owner must sign an affidavit indicating whether or not the existing housing on the property has been occupied by a tenant in the last 3 years. <p><i>Gov. Code, § 66411.7(a)(3)(D)</i></p>	
<p>If housing will be demolished, the project complies with the replacement housing provisions of the Housing Crisis Act of 2019. <i>Gov. Code, § 66300(d)</i></p>	
<p><i>Skip to the next question if applicant is a community land trust or qualified nonprofit corporation.</i> The applicant has submitted an affidavit stating they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of approval of the urban lot split. <i>Gov. Code, § 66411.7(g)(1)</i></p>	
<p>The applicant has agreed to record a covenant restricting non-residential uses of any units developed or constructed on either resulting parcel, including a prohibition against renting or leasing the units for fewer than 30 consecutive days; any has agreed to record a covenant prohibiting the further subdivision of either of the resulting parcels using the procedures set forth in <i>Gov. Code, §§ 66411.7(f), (h), (a)(3)(GF) and Urgency Ordinance 22-08 § 13</i></p>	

Section 3. Objective Standards	Qualifies? Y/N
<p>The lot split will conform to all applicable requirements of the Subdivision Map Act (Gov. Code, § 66410 <i>et seq.</i>) <i>Gov. Code, § 66411.7(b)(2)</i></p>	

<p>The lot split will conform to all applicable objective zoning, subdivision and design review standards so long as they do not physically preclude 2 units on each lot of 800 square feet each and allow a setback of 4 feet from the rear and side property lines (or less if in an existing structure or new structure built to the same dimensions).</p> <p>Gov. Code, § 66411.7(c)(1)-(3)</p>	
<p>If adjacent or connected structures are proposed, the structures meet building code standards and are sufficient to allow separate conveyance.</p> <p>Gov. Code, § 66411.7(k)</p>	
<p>The project provides at least one off-street parking space per unit unless:</p> <ul style="list-style-type: none"> - The parcel is located within ½ mile walking distance of either a high-quality transit corridor, or major transit stop; or - The parcel is located within one block of a care share location <p>Gov. Code, § 66411.7(e)(3)</p>	
<p>Both resulting parcels will have access to, provide access to, or adjoin the public right-of-way. Both resulting parcels must have at least 20 feet street frontage or 25 feet street frontage if the lot depth is more than 150 feet.</p> <p>Gov. Code, § 66411.7(e)(2) and Urgency Ordinance 22-08 § 11(f)(2)</p>	
<p>The project will provide easements for provision of public services and facilities. Gov. Code 66411.7(e)(1) and Urgency Ordinance 22-08 § 11(E)</p>	
<p>The parcel map for an urban lot split must subdivide an existing lot to create no more than two new lots of approximately equal lot area, provided that one lot shall not be smaller than 40 percent of the lot area of the original lot proposed for subdivision. Both newly created lots must each be no smaller than 1,200 square feet. Lot area must comply with the definition outlined in the definition section of Urgency Ordinance 22-08 § 11(D), and contained in Covina Municipal Code § 17.04.360.</p>	
<p>Each resulting lot must be developed in accordance with improvement plans processed concurrently with the parcel map application and approved by the City, showing the location and dimensions of all structures, drive aisles, parking areas, pedestrian pathways, and other improvements proposed to be constructed or to remain on each lot.</p> <p>Urgency Ordinance 22-08 § 11(G)</p>	
<p>The project has obtained written confirmation from the Los Angeles County Fire Department that the proposed development complies with all access and service requirements.</p> <p>Urgency Ordinance 22-08 § 12</p>	



CITY OF COVINA PRIOR TENANCIES AFFIDAVIT

Community Development Department, Planning Division

125 East College Street • Covina, California 91723 • (626) 384-5450 / Fax: (626) 384-5479

1. I am the owner of the real property located at [ADDRESS], Covina, California, which is also identified as Assessor's Parcel Number (APN) _____, and further described in Exhibit "A" attached hereto and incorporated by reference (hereinafter "the Property").

2. On [DATE], I, or my authorized agent, submitted an application to the City of Covina for:
 - A parcel map subdividing the Property pursuant to the procedures outlined in California Government Code Section 66411.7, Covina Municipal Code Title 16, Subdivisions, and Urgency Ordinance 22-08.
 - A two-unit development on the Property pursuant to the procedures outlined in California Government Code Section 65852.21 and Urgency Ordinance 22-08.

3. To my knowledge and belief, as calculated from the date of the submission of the application, the dwelling unit(s) on the Property has/have not been occupied by any individual or household under a lease or rental agreement in the prior three years.

4. Additionally, to my knowledge and belief, the Property is not a parcel on which I, or my predecessor(s), have exercised an owner's rights, under Government Code Sections 7060, *et seq.*, to withdraw accommodations from rent or lease within the last 15 years from the date of submittal of the application.

5. To my knowledge and belief, the Property will not require the demolition of or alteration of housing that is subject to a recorded covenant, Ordinance, or law that restrict rents to levels affordable to persons and families of moderate, low and very low income.

6. I understand and agree that the Planning Division of the City of Covina may take such action as it deems necessary to verify both the accuracy and veracity of this declaration. I further understand and agree that any person or entity contacted by the Planning Division, or its contractors, agents, grantees, or designees, in the course of such verification, may release such pertinent information to the Planning Division, or its contractors, agents, grantees, or designees.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and that this affidavit was executed on the ____ of _____, 20____, at _____, California.

Signature

Printed Name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the veracity, accuracy, or validity of that document.

State of California

County of _____

On [DATE], before me, [NOTARY NAME], Notary Public, personally appeared [APPLICANT NAME], who provide to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subjected to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) executed the instrument.

I certify, under penalty of perjury under the laws of the state of California, that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____



DEED RESTRICTION FOR TWO-UNIT PROJECT / URBAN LOT SPLIT

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Covina
Planning Division
125 E College Street
Covina, CA 91723

DEED RESTRICTION AND COVENANT

Cal. Gov. Code § 27383
Recorded for the Benefit of the City of Covina

State of California
County of Los Angeles

This Covenant and Deed Restriction is made and executed on this ____ day of _____, 20__ by _____ and _____. The undersigned hereby certify that I/we are the owner(s) of the hereinafter legally described property located in the City of Covina (the "City"), State of California. Said property is located at _____ as is legally described in Exhibit "A" hereto (the "Property").

Please be advised that the Property contains or will contain two primary dwelling units created in accordance with Senate Bill 9 (Government Code, §§ 65852.21, 66411.7), and Urgency Ordinance 22-07. In consideration of the City approving the project, the undersigned hereby covenants, acknowledges, and agrees that:

1. Dwelling units on the Property may only be rented for a term longer than 30 days.
2. The Property will only be used for residential uses.
3. No dwelling unit may be sold separately or otherwise conveyed separately from any other dwelling unit on the Property.
4. The creation of a Common Interest Development within the Property under California Civil Code Section 4000 *et seq.* is prohibited.
5. Development on the Property is limited to residential units that comply with the requirements of Urgency Ordinance 22-07, except as otherwise required by State law.

The purpose of this deed restriction is to provide notice and disclosure to the current owner and to any subsequent purchaser or transferee of the limitations associated with the Property.

This deed restriction and covenant runs with the land and binds all current owners, all future owners, and their successors, heirs or assigns, and continues in effect perpetually unless released by the City in writing. Any lease of any portion of the Property is subject to the restrictions in this deed restriction and covenant, which are established for the general benefit of the entire community and which run with the land. The covenant is enforceable by remedy of injunctive relief in addition to any other remedy in law or equity.

This deed restriction covenant and the provisions hereof are irrevocable and non-modifiable except by the express written consent of the City. The City has the right to enforce each and every provision hereof.

If the owners, their heirs, assigns, or successors in interest fail to abide by the deed restriction and covenants hereunder, all owners are bound to pay all costs and expenses incurred by the City in securing performance of such obligation, including reasonable attorney's fees and costs.

Signature

(Printed Name) Date

Signature

(Printed Name) Date

Covenants and Deed Restrictions must have all signature(s) notarized by a Commissioned Notary Public.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ACKNOWLEDGMENT

State of California)
)
County of Los Angeles)

On _____ before me, _____
(insert name and title of the officer)

Personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)