

Gilroy SB 9 Residential Lot Split Policy **Adopted December 13, 2021 (Effective January 1, 2022)**

The intent of the Gilroy SB 9 Residential Lot Split Policy is to provide applicants and property owners with a clear understanding of the City's expectations for a lot split under California Senate Bill (SB) 9. This Policy supplements Gilroy City Code Chapter 21 (Subdivisions and Land Development), the City's Zoning Ordinance, and the Gilroy 2-Unit Residential Objective Design Standards Policy.

SB 9 Applicability: This policy applies to any parcel located within the City's R1 Single-Family Residential District, subject to certain limitations. Ministerial approval under SB 9 shall not apply in the case where: development would require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; the development would demolish more than 25% of the existing exterior structural walls of a structure that has been occupied by a tenant in the last three (3) years; or housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. Furthermore, ministerial approval under SB 9 shall not apply in the case where the parcel is: located within a historic district or listed as a historic resource on the City of Gilroy's Historic Resource Inventory; identified as prime agricultural land, wetlands, protected species habitat, or a hazardous waste site; or located within a very high fire hazards zone, earthquake fault zone, floodplain, or floodway.

The City may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

ADJACENT SUBDIVISIONS: No lot split shall be approved where the property owner or any person acting in concert with the owner, has subdivided an adjacent parcel through the provisions of SB 9.

MAXIMUM LOTS: No more than two (2) parcels shall be permitted through the provisions of an SB 9 lot split, and the lot to be split shall not have been previously established through an SB 9 lot split.

LOT AREA MINIMUM: Each parcel shall be approximately equal in area and shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

MINIMUM FRONTAGE: The minimum frontage of any new lot created pursuant to SB 9 shall be forty (40) feet, unless such requirement would preclude the creation of a lot with a maximum area of 1,200 square feet.

FLAG LOT ACCESS: The access corridor from the street to a flag lot shall be a minimum 18-foot wide.

ROW ACCESS: The City may require that a parcel(s) has access to, provides access to, or adjoins the public right-of-way.

EASEMENTS: The City may require easements for the provision of public services and facilities.

MAXIMUM UNITS: The maximum number of units on a lot that is associated with an SB 9 subdivision shall be two (2) units, including but not limited to accessory dwelling units (ADUs) and junior ADUs.

OWNER-OCCUPANCY: The property owner shall sign an affidavit stating they intend to occupy one of the housing units as their principal residence for a minimum of three (3) years from the date of the approval of a new lot created pursuant to SB 9.