



City of Walnut Creek

SB 9 Regulations

The state adopted California Government Code Section 65852.21 and 66411.7, which allow for the development of SB 9 dwelling units and urban lot splits. This is intended to promote the development of smaller and more affordable housing that is designed to meet the needs of individuals and families. Below is a summary of the regulations the City enacted to comply with the State Law, as outlined in [Title 10, Chapter 2, Part 3, Article 15 of the Walnut Creek Municipal Code](#).

Applicability

SB 9 development is permitted in the Single-Family Residential Districts (R), the Hillside Development District (H-P-D), and the Single-Family High-Planned Development District 1 (SFH-PD1); and in Planned Development Districts (P-D) where single family residential is a permitted use and where multiple family residential uses are not a permitted use.

SB 9 development is not allowed for projects involving any of the following (this is a summary only, refer to the WCMC Section 10-2.3.1503 for a specific list of items):

1. Demolition or alteration of housing units(s) that have been occupied by a rental tenant in the last three years, and/or are restricted to moderate/low/very-low-income households
2. Properties located on the State Historic Resources Inventory
3. Properties located on a hazardous waste site (Cortese List or on DTSC list) unless cleared for residential or residential mixed uses
4. Properties located within a special flood hazard area, 1 percent annual chance flood (one-hundred-year flood), unless the project satisfies additional requirements, such as meeting flood plain management criteria
5. Properties located within a habitat for protected species
6. Properties located within a conservation easement

Types of SB 9 Development/Permit Process

With an Urban Lot Split

A lot can be divided to create two separate lots and each lot can be developed with either of the following:

- one pre-SB 9 unit (existing primary home/unit) and one SB 9 unit; or
- two SB 9 units

Urban lot splits will require a Tentative Parcel Map that will be reviewed by the Zoning Administrator. A Building Permit will be required for all new homes.

Without an Urban Lot Split

A lot may be developed with either of the following:

- one pre-SB 9 unit (existing primary home/unit) and one SB 9 unit; or
- two SB 9 units

A Building Permit will be required for all new homes.

Some projects may require a Site Development Permit. Please contact the City's Engineering Division for further information at dutyengineer@walnut-creek.org or (925) 943-5839.

Accessory Dwelling Units

With an Urban Lot Split

One accessory dwelling unit (as defined under Title 10 of the Municipal Code) of any kind, is allowed on only one of the two resulting parcels.

Without an Urban Lot Split

The amount and type of ADUs are determined by the structures on the lot.

- **Single-family:** 1 JADU, 1 new detached ADU, 1 conversion or attached ADU
- **Mulli-family (i.e., duplex):** Up to two detached ADUs and multiple attached (conversion) ADUs (up to 25% of the number of existing units or at least 1)

*The above section is a summary only. Please refer to the Code for all development standards and regulations related to accessory dwelling units as outlined in [Title 10, Chapter 2, Part 3, Article 5 of the Walnut Creek Municipal Code](#) before proceeding with project development or permitting.

SB 9 Unit Regulations

Design

The design of SB 9 units must meet the following standards:

1. Compliance with the Objective Design Standards Checklist for [Single Family Residential Projects](#).
2. When an SB 9 unit is being built in the same building as an existing pre-SB 9 unit: Designed to be the same architectural style as the existing pre-SB 9 unit, including matching building forms, siding, trim, roof forms and materials, and window placement/type. Please see the City's Residential Design Review Standards and Guidelines for specific standards implementing this requirement.
3. When created through the conversion of an existing garage: the SB 9 unit shall be the same architectural style as the existing pre-SB 9 unit, and either the garage door is left operational and divided from the SB 9 unit, or it is removed entirely and replaced with elements that match the existing pre-SB 9 unit and a 3 feet wide landscaped area is installed between the driveway and former garage door (may be reduced to 1 foot if needed to maintain 18 foot driveway length). Please see the City's Residential Design Review Standards and Guidelines for specific standards implementing this requirement.
4. For SB 9 units that are attached to existing pre-SB 9 units, the exterior entrance cannot be located on same wall plane as the existing main exterior entrance.
5. For two-story SB 9 units, all second-story windows located within ten feet of a side or rear property line shall have a sill height of no less than five feet above the floor.

Parking

One parking space is required per unit for all pre-SB 9 units and SB 9 units. A covered parking space is defined as a parking space that measures at least 9 feet wide by 20 feet long. Parking for pre-SB 9 primary dwellings or SB 9 dwelling units may be covered or uncovered.

No parking is required if one or more of the following conditions apply:

- **BART:** No parking is required for lots within ½ mile walking distance from the closest point of the Walnut Creek or Pleasant Hill BART station properties, as confirmed by the City's Community Development Director or their designee.
- **BUS CORRIDORS:** No parking is required for lots within ½ mile walking distance from a bus stop served by a County Connection bus route with service intervals no longer than 15 minutes during peak commute hours, as confirmed by the City's Community Development Director.
- **CAR SHARE:** No parking is required on lots located within 1 block of a car share vehicle station.

Size

For SB 9 units that comply with the setback and lot coverage regulations of the base district, there is no size limitation.

Otherwise, unit sizes shall be subject to the floor area limits in this table:

Net Lot Area	Maximum Gross Floor Area
Less than 8,500 square feet	850 square feet
8,500 to 9,999 square feet	900 square feet
10,000 to 11,999 square feet	1,000 square feet
12,000 to 14,999 square feet	1,100 square feet
15,000 to 19,999 square feet	1,200 square feet
20,000 square feet or more	1,400 square feet

*If an SB 9 unit cannot meet the development standards of the underlying zone, including lot coverage, then an exception due to physical preclusion must be requested and granted. If an exception due to physical preclusion is necessary, then an SB 9 unit is limited to 800 square feet, and the maximum gross floor area standards, above, do not apply.

Height

In Setback Areas: SB 9 units that are in the required setback areas of the underlying zoning district (including the reduced 4-foot side and rear setbacks allowed for SB 9 units) are limited to 16 feet and 1 story in height.

Outside Setback Areas: SB 9 units that are located entirely outside all setback areas of the underlying zoning district are subject to the maximum height regulations of the base zoning district.

Setbacks

Front and Corner Side: the distance that is required by the base or overlay zoning district regulations

Side and Rear: 4 feet

* No setbacks are required for an existing structure that is converted to an SB 9 unit, or an SB 9 unit that is built within the same space as an existing structure.

*No setbacks are required between an existing structure and any newly created lot lines, except the distances required for site distance areas or as required in the Building Code.

Deed Restriction and Length of Tenancy

The rental period or lease term of all SB 9 units shall be at least 31 days.

A deed restriction will be recorded against all properties that develop SB 9 units to require the rental period or lease term of the unit be at least 31 days. This may be enforced against future purchasers.

Trees

No SB 9 unit or any improvements for an urban lot split shall be constructed within the dripline of a highly protected tree, as defined in Title 3 of the Municipal Code. Otherwise, no tree removal or dripline encroachment permit is necessary.

Landscaping

If new landscaping exceeds 500 square feet or replacement landscaping exceeds 2,500 square feet, then the [WELo \(Water Efficient Landscape Ordinance\)](#) will apply.

Distance Between Buildings

The distance that is required by the base or overlay zoning district regulations.

Additionally, all dwelling units on the same parcel or on adjacent parcels shall comply with fire separation distance requirements between buildings.

Utilities

No SB 9 unit shall be constructed without adequate water and sewer service. All new utility connections serving pre-SB 9 units or SB 9 units shall be installed underground.

Hillside Performance Standards

The following Hillside Performance Standards apply to lots, or portions thereof, that have an average slope of 15% or more, except those lots located in the Core Area or Rossmoor.

SB 9 units (with or without an urban lot split) on hillside lots have the following limitations (this is a summary only, refer to the WCMC Section 10-2.3.1505(V) for the specific list of items):

- No grading or constructions on portions that have over a 30% slope
- No grading or construction within an area 1½ times the distance from the trunk to the dripline of a highly protected tree (as defined in Section 3-8.02 of the Municipal Code)
- Grading is only allowed for driveways, garage pads, cuts under the SB 9 unit, cuts on the uphill side of the SB 9 unit when screened from public view, for sight distance requirement purposes, for drainage purposes, or for soils stability purposes
- No SB 9 unit shall be constructed within a 100-foot vertical drop from the ridgeline of a visually prominent ridge or in a way that breaks the skyline of a visually prominent ridge
- No SB 9 unit shall be constructed on a rock outcropping of over 200 square feet
- No SB 9 unit shall be built within 50 feet of a fault line, within 50 feet of the top of a creek bank (and beyond the limits of signification riparian vegetation), or within a known landslide area
- All mechanical equipment shall be screened from view off the site
- Exterior lighting shall be shielded from view off the site
- The ground floor of the portion of a building containing an SB 9 unit shall not be more than 4 feet above the adjacent grade

Exceptions Due to Physical Preclusion

The following property development regulations may be waived by the Community Development Director if these regulations would preclude the construction of an SB 9 unit (of no greater than 800 square feet) or an urban lot split. Please note that these regulations shall be waived in order:

- | | | |
|-----------------------------------|-----------------------------------|------------------------------------|
| 1. Placement of mailboxes | 4. Lot coverage | 8. Second-story window sill height |
| 2. Location of exterior entrances | 5. Hillside Performance Standards | 9. Preservation of trees |
| 3. Distance between buildings | 6. Rear setback | 10. Maximum height |
| | 7. Interior side setback | 11. Corner side setback |
| | | 12. Front setback |

Urban Lot Split Requirements

Lot Layout Regulations

Below is a summary of the urban lot split requirements. These standards only apply to those lots that are being divided under an urban lot split. See WCMC Sec. 10-1.1405(B) for the complete Code section.

- Minimum Lot Area – 1,200 square feet (must be a 40/60 split)
- Minimum Lot Width – None
- Minimum Lot Frontage – None
- Minimum Lot Depth – None
- Vehicular access to a public or private street is required

Tentative Parcel Map Process

A Tentative Parcel Map (TPM) is required for all urban lot split applications. A lot split from one to two lots is considered a minor subdivision, which is ministerially reviewed and approved by the Zoning Administrator without discretionary review or public hearings if the TPM conforms to all requirements. All TPMs shall be prepared by a registered Civil Engineer or licensed Land Surveyor and shall demonstrate compliance to all lot layout regulations for an urban lot split. The TPM shall be accompanied by all required data and reports, including a soils report, title report, and engineering geology and/or seismic safety report. Approval of the TPM and recordation of the final Parcel Map is required prior to issuance of a Building Permit for any new homes.

Intent to Occupy

Prior to recordation of the Parcel Map, an affidavit by the applicant shall be executed to state the applicant intends to reside in the pre-SB 9 unit or an SB 9 unit located on one of the two lots for three years from the date of the approval of the subdivision. This does not apply to a community land trust or a qualified nonprofit corporation (as provided in Sections 402.1 and 214.15 of the CA Revenue and Taxation Code).

Impact Fees

All new residential units built in Walnut Creek must either provide inclusionary housing units or pay an in-lieu fee. SB 9 units are exempt from paying this fee if they meet the gross floor area standards outlined below:

Net Lot Area	Maximum Gross Floor Area:	
	Studio or One-Bedroom	Two or More Bedrooms
14,999 square feet or less	850 square feet	1,000 square feet
15,000 to 19,999 square feet	900 square feet	1,000 square feet
20,000 square feet or more	950 square feet	1,000 square feet

* The fee for 2024 is \$25.76 per square feet of livable area of the new SB 9 unit(s). This fee is adjusted annually.

Local utility contacts

Contact your utility districts for more information regarding their connection fees for water and sewer services.

Contra Costa Water District, Customer Service

(925) 688-8044

East Bay Municipal Utility District, New Business Office

(510) 287-1008

Central Contra Costa Sanitary District, Permit Team

(925) 229-7371

For more information, contact the Duty Planner at dutyplanner@walnut-creek.org or (925) 256-3558