

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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May 21, 2025

Elizabeth Oba, Director of Planning and Building Services
16600 Civic Center Drive
Bellflower, CA 90706

Dear Elizabeth Oba:

RE: City of Bellflower – Senate Bill (SB) 9 Eligible Single-Family Residential Zones – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) received a request for technical assistance from an applicant who is interested in pursuing a project under SB 9¹ within a single-family residential zone that the City of Bellflower (City) does not consider eligible for SB 9. The purpose of this letter is to clarify that the Agricultural Estate (A-E) and Low Density Residential (R-1) zones qualify as “single-family residential zones” for the purposes of SB 9.

Background

SB 9 requires that local agencies ministerially process applications for a parcel map for an urban lot split or a housing development project containing no more than two units if the application meets certain requirements. One of the main requirements is that the proposed housing development or parcel be within “a single-family residential zone.”² While some zones are readily identifiable as single-family residential zones, for example by a title (e.g., “Single-Family Residential”), others may not be so obvious. In communities where there may be more than one single-family residential zone, the zone district descriptions in the zoning code and the land use designation descriptions in the Land Use Element of the General Plan can be used to identify zones whose primary purpose is single-family residential uses, and which are therefore subject to SB 9.³

¹ Gov. Code, §§ 65852.21, 66411.7 et seq. SB 9 was amended by SB 450 (Chapter 286, Statutes of 2024).

² Gov. Code, §§ 65852.21, subd. (a); 66411.7, subd. (a)(3)(A).

³ See HCD’s SB 9 Fact Sheet, pg. 2, available at

<https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/sb-9-fact-sheet.pdf>.

Agricultural Estate Zone

The Agricultural Estate (A-E) zoning district constitutes a single-family residential zone for the purpose of SB 9 since the primary purpose is single-family residential uses. According to the City's zoning code, the intent and purpose of the A-E zone is "to provide an area for more rural residential development than in other areas of the City, to retain a rural character, and to maintain and encourage the keeping of horses and farm animals for the enjoyment of area residents."⁴ In the A-E zone, single-family dwellings are a permitted use and multiple family residential uses do not appear in the list of permitted uses. Similarly, the General Plan land use designation that underlies the A-E zone (Agricultural Residential) is described as "intended for an area of low density single family residential and limited, ancillary, agricultural uses...."⁵

The A-E zone appears to be agriculturally oriented but also clearly allows for single-family residential and does not allow multi-family residential. Based on the description of the zone and land use designation, the primary purpose of the A-E is single-family residential.

Low Density Residential Zone

The Low Density Residential (R-1) zoning district constitutes a single-family residential zone for the purpose of SB 9 since the primary purpose is single-family residential uses. According to the City's zoning code, the R-1 zone is "[t]he most restrictive of residential zones, composed chiefly of individual homes, together with required recreational, religious, educational and other community facilities as the basic elements of a balanced neighborhood."⁶ The General Plan land use designation that underlies the R-1 zone, Low Density Residential, is described as being "characterized by single family detached dwellings, but this category will allow for subdivision of lots or creation of condominium or townhome units."⁷ The R-1 zone allows single-family and multi-family dwellings as permitted uses. As a point of comparison, the City's Medium Density Residential Zone (R-2), which also provides that single-family and multi-family dwellings are permitted uses, specifies that that zone is "intended to provide a variety of housing types such as garden apartments, town houses, condominiums, and dwelling groups."⁸ The R-1 zone intent and purpose together with the General Plan description suggest that the primary purpose of this zone is single-family, particularly when contrasted with the intent and purpose of higher density residential zones, such as R-2.

⁴ Bellflower Municipal Code § 17.20.010

⁵ Bellflower General Plan, Land Use Element (1997), pg. 1.

⁶ Bellflower Municipal Code § 17.24.010

⁷ Bellflower General Plan, Land Use Element

⁸ Bellflower Municipal Code § 17.28.010

While the R-1 zone intent and purpose and General Plan description both suggest that the primary purpose is single-family residential, the zone also allows (as a permitted use) multi-family dwellings. However, the R-1 zoning regulations require a minimum of 5,000 square feet of lot area per unit. Therefore, an R-1 lot containing less than 10,000 square feet can only be developed with one single-family residence. Based on a visual analysis, a substantial portion of R-1 lots appear to contain less than 10,000 square feet; therefore, the ability to develop multi-family is substantially limited in this zone. As a result, the R-1 zone essentially functions as a single-family zone.

While the A-E and R-1 zones qualify as single-family residential zones for the purpose of SB 9, it should be noted that the City is not required to allow more than two primary dwellings on a lot pursuant to SB 9. For example, if a parcel's lot area allows it to achieve two dwellings pursuant to the City's municipal code (i.e., the site is 10,000 square feet or more), the site would not be eligible for any additional primary dwellings under SB 9.

Conclusion

HCD finds that the A-E and R-1 zones qualify as single-family for purposes of SB 9. The City must remedy the exclusion of these zones from SB 9. HCD requests a response from the City by June 20, 2025, that includes the steps the City will take to timely resolve this issue.

HCD remains committed to supporting the City in facilitating housing at all income levels and hopes the City finds this clarification helpful. HCD would also like to remind the City that HCD has statutory authority to enforce SB 9, among other state housing laws.⁹ Accordingly, if HCD finds that a local government's actions do not comply with state law, HCD may notify the California Office of the Attorney General that the local government is in violation of state law. If you have questions or need additional information, please contact Mindy Wilcox at mindy.wilcox@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Zisser', with a long horizontal line extending to the right.

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability

⁹ Gov. Code, § 65585, subd. (j).