

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

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December 17, 2025

Chris Cortez, Assistant Planner
City of Chino
Development Services Department
13220 Central Avenue
Chino, CA 91710

Dear Chris Cortez:

RE: City of Chino – SB 9 Implementation – Letter of Technical Assistance

The purpose of this letter is to provide technical assistance to the City of Chino (City) regarding access requirements for urban lot splits under Senate Bill (SB) 9 (Chapter 162, Statutes of 2021).¹

Background

HCD received a request for technical assistance from the City regarding its street frontage standards as applied to an urban lot split application. The specific property at issue is 12828 10th Street, located in the RD-4.5 (Residential Density, 4.5 dwelling units per acre) zone. HCD understands that this parcel is accessed from 10th Street and a rear alley, both of which are considered public rights-of-way, but the City does not consider the alley to be a “street.”² There are two existing dwelling units on the parcel: one unit is adjacent to 10th street and the other unit is adjacent to the rear alley. The applicant proposes a lot split in which one resulting lot would adjoin 10th Street and the second resulting lot would adjoin the rear alley.

City requirements specify that for an urban lot split, the resulting lots must have a street frontage that is a minimum of 40 percent of the original lot width. The City also prohibits flag lots and effectively prohibits access easements for SB 9 urban lot splits.³ The owner’s preference is to subdivide the lot such that the two existing dwelling units would then be located on separate lots instead of on a single lot, as is the current configuration. Subdividing the parcel as proposed by the owner would necessitate the resulting rear parcel to rely solely on the alley for access, which is not compliant with the

¹ Gov. Code, § 66411.7.

² Chino Municipal Code § 20.24.020, subd. (S)(6).

³ Chino Municipal Code §§ 19.04.110, subds. (D)(1)(c), (D)(1)(d).

City's minimum 40-percent street frontage standard. Subdividing the parcel as is currently required by the City's standards would necessitate alteration of one or both structures. The City also indicated that the rear alley does not comply with standards for fire department access, lacks fire suppression infrastructure, and would therefore not be suitable to be considered a "street".

Analysis

The City submitted the following question to HCD:

Can the City of Chino deny an SB 9 application because the resultant parcel would not meet the 40-percent street frontage requirement contained in the SB 9 ordinance?

The answer is, "No."

First, SB 9 enables a jurisdiction to require adequate access for the resulting parcels. Specifically, Government Code 66411.7, subdivision (e) provides that a local agency may require certain "conditions when considering an application for a parcel map for an urban lot split." More specifically, a local agency may impose the following condition: "A requirement that the parcels have access to, provide access to, *or* adjoin the public right-of-way."⁴ (Emphasis added.) The City may impose this condition, but when imposed, it must be imposed in its entirety – such that all three access options are made available to the applicant.

However, the City's frontage requirement effectively limits access options only to direct access to the public right-of-way. For example, where a new lot does not adjoin a street, the requirement may be satisfied by either an access easement that ensures the lot has access to the public right-of-way or is designed in a panhandle configuration such that the lot directly adjoins the right-of-way and ensures both resulting parcels *adjoin* a public right-of-way.

In addition, Government Code section 66411.7, subdivision (c)(2) prevents the application of objective zoning, subdivision, and design review standards that physically preclude an urban lot split. HCD conducted a review of the Chino Municipal Code (CMC) and notes that the following objective standards may preclude an urban lot split for the requester and other potential applicants:

CMC19.04.110 (D)(1)(c) Urban Lot Splits, Additional Requirements - Each resulting parcel shall include at least 40% of the street frontage of the original parcel proposed for subdivision; and...

CMC 19.04.110 (D)(1)(d) Urban Lot Splits, Additional Requirements - Flag lots are not permitted.

⁴ Gov. Code, § 66411.7, subd. (e)(2).

In combination, these standards result only in SB 9 subdivisions where the original lot is split down the approximate center (back to front) and the two resulting lots both have direct street frontage. In case of the subject project, the existing lot is 80 feet wide, and the City's standards would result in two new lots of 32 to 48 feet in width. Also, the new lot line running vertically through the center would require the alteration or demolition of one of the existing residences. This outcome is in contravention of the statutory intent and language of SB 9. These development standards also preclude the horizontal subdivision of the parcel (as proposed by the applicant) that would result in a "front" and "rear" parcel, where the rear parcel would otherwise be accessed by means of an easement or narrow strip of land in a panhandle configuration (flag lot).

Additionally, by requiring the demolition or alteration of the existing dwellings, the City's standards would be physically precluding an urban lot split if either structure meets the housing type criteria contained in Government Code section 66411.7, subdivision (a)(3)(D). SB 9 expressly provides that certain types of protected dwellings may not be altered or demolished to facilitate an urban lot split.⁵ To the extent that the City's Ordinance has the practical effect of requiring the demolition or alteration of existing dwellings that meet the criteria set forth in Government Code section 66411.7, subdivision (a)(3)(D), those standards physically preclude the lot split and are, therefore, inconsistent with SB 9.

Lastly, HCD reminds the City that Government Code sections 65852.21, subdivision (d) and 66411.7, subdivision (d) limit a local agency's denial of an application for an SB 9 urban lot split or construction of an SB 9 residential unit to instances where the local agency makes written findings, based on a preponderance of the evidence, that the project would have a specific, adverse impact on public health and safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Conclusion

In conclusion, for this site, the City's requirement that the proposed parcels maintain a 40-percent minimum street frontage, combined with the prohibition of an access easement or a flag lot, precludes an SB 9 urban lot split from occurring and as such does not comply with state law. Where the urban lot split may be facilitated by objective standards that still ensure the parcels *have access to* (e.g., easement), *provide access to* (e.g., easement), or adjoin the public right-of-way (e.g., flag lot), the City must:

- Waive the 40-percent minimum street frontage, flag lot prohibition, and/or easement prohibition as needed to facilitate this lot split and others; and
- Ensure that any denial is based on the mandated SB 9 findings of denial.

⁵ Gov. Code, § 66411.7, subd. (a)(3)(D).

HCD understands the intricacies of implementing ever-changing state housing laws and is committed to supporting local agencies in the successful implementation of state housing laws, including SB 9. Please respond to this letter by January 16, 2026 explaining how the City plans to implement the guidance provided herein. If you have any questions or need additional information, please contact Brandon Estes at Brandon.Estes@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Heaton", with a stylized flourish at the end.

Brian Heaton
Section Chief, Land Use Policy
Housing Accountability Unit