

Submittal Requirements for Projects Subject to Senate Bill (SB) 9 Two Dwelling Units and/or Urban Lot Split

	<p>Please use this as a checklist to assemble the materials required for your development application when submitting the application in the Accela Citizen Access (ACA) portal.</p> <p>IF THE PROJECT IS “TWO DWELLING UNITS” APPLY FOR A ZONE CLEARANCE AND IN THE PROJECT DESCRIPTION INPUT “SB 9 TWO DWELLING UNITS”.</p> <p>IF THE PROJECT IS AN “URBAN LOT SPLIT” APPLY FOR A TENTATIVE PARCEL MAP AND IN THE PROJECT DESCRIPTION INPUT “SB 9 URBAN LOT SPLIT.”</p> <p><i>Please note, if both application types are chosen, the Urban Lot Split application (Tentative Parcel Map) will need to be submitted <u>and</u> approved first, then the Two Residential Units application (Zone Clearance) can be submitted and processed.</i></p> <p>The following items must be submitted in order to process your application. Please follow ALL hyperlinks for complete checklist. <u>If the plans are not legible, or do not contain the information listed below, your application will be deemed incomplete.</u></p> <p>The following sections are listed below and should be reviewed based on the type of application being submitted (please note, one application for both two dwelling units and an urban lot split may be submitted, if applicable):</p> <ol style="list-style-type: none"> 1. GENERAL SUBMITTAL REQUIREMENTS This section is for submittal requirements applicable to either application type. 2. SECTION A (TWO DWELLING UNITS) This section is for submittal requirements only applicable to applications for two dwelling units. 3. SECTION B (URBAN LOT SPLIT) This section is for submittal requirements only applicable to applications for urban lot splits. 4. GENERAL PROJECT REQUIREMENTS This section is for requirements of the project that are not application submittal requirements, but minimum conditions for the project.
<input type="checkbox"/>	<p>Instructions:</p> <ol style="list-style-type: none"> 1. All plans and documents <u>must</u> be uploaded in PDF format. 2. A separate PDF document is required for each plan type (i.e. separate PDF required for site plans, separate PDF for landscape plans, etc.). 3. Each plan type should only have one PDF uploaded (i.e. if there is more than one site plan exhibit, upload a multi-page PDF). 4. If Citizen Access system requires a document type not included on this checklist, upload blank PDF document called “Dummy Document”. Make sure you select the required document “Type” from the dropdown list.

GENERAL SUBMITTAL REQUIREMENTS This section is for submittal requirements applicable to either application type.

<input type="checkbox"/>	Complete Application uploaded in ACA portal
<input type="checkbox"/>	All Required Fees Paid Fees will be invoiced after application is submitted. All fees must be paid before application is deemed complete. Fees must be paid within 3 days of fees being invoiced (e-mail will be sent).
<input type="checkbox"/>	Grant Deed (Electronic, upload into ACA portal)
<input type="checkbox"/>	Letter of Owner Authorization (Electronic, upload into ACA portal) (Required for all record owners of any property or portion thereof included within the subdivision boundary)
<input type="checkbox"/>	Operational Statement (Electronic, upload into ACA portal)

SECTION A (TWO DWELLING UNITS) This section is for any housing development project proposing two new primary dwelling units or the addition of one new primary dwelling unit with one existing primary dwelling unit, subject to the following:

<input type="checkbox"/>	Site Plan, Floor Plan & Elevations (Electronic, upload into ACA portal)
<input type="checkbox"/>	Single-Family Residential Zoning The subject property shall only be within a single-family residential zone district, which include the RE, RS-1, RS-2, RS-3, RS-4, and RS-5 zone districts.
<input type="checkbox"/>	Historic District The subject property is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
<input type="checkbox"/>	Location Evidence that the subject property is located outside of the following areas: <ul style="list-style-type: none"> • Prime farmland or farmland of statewide importance; • Wetlands, as defined by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency; • A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to California Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.

	<ul style="list-style-type: none"> • A hazardous waste site that is listed pursuant to California Code Section 65962.5 or a hazardous waste site designated by the Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses. • A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2. • A flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations. • A floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. • Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the Federal Endangered Species Act of 1973 (16U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan. • Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code). • Lands under a conservation easement.
<input type="checkbox"/>	<p>Housing Demolition and Rental Market Affidavit (Electronic, upload into ACA portal)</p> <p>An affidavit signed by the applicant and property owner shall be provided and state the following:</p> <p><i>The proposed housing development is not on a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.</i></p> <p><i>The proposed housing development will not require demolition or alteration of any of the following types of housing:</i></p>

	<p>A. <i>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.</i></p> <p>B. <i>Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.</i></p> <p>C. <i>Housing that has been occupied by a tenant in the last three years.</i></p>
<input type="checkbox"/>	<p>Housing Wall Demolition (Electronic, upload into ACA portal, if applicable)</p> <p>If the proposed housing development includes the demolition of more than 25 percent of the existing exterior structural walls, then the applicant shall provide a property-owner signed acknowledgement that the subject property has not been occupied by a tenant in the previous three years.</p>
<p>SECTION B (URBAN LOT SPLIT) This section is for a residential lot split of no more than two parcels, subject to the following:</p>	
<input type="checkbox"/>	<p>Preliminary Title Report (Electronic, upload into ACA portal)</p> <p>The preliminary title report shall be dated within 30 days of the application submittal date.</p>
<input type="checkbox"/>	<p>Tentative Parcel Map Exhibit (Electronic, upload into ACA portal)</p> <p>The tentative parcel map exhibit shall be drawn by a licensed architect or engineer and include all items within the Tentative Subdivision Map Technical Verification Checklist.</p>
<input type="checkbox"/>	<p>Technical Verification Certification Letter (Electronic, upload into ACA portal)</p> <p>This will be provided by the assigned Planner once Technical Verification is complete.</p>
<input type="checkbox"/>	<p>Parcel Size and Location</p> <p>The proposed parcel map shall subdivide an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.</p> <p>The following shall also be required:</p> <ul style="list-style-type: none"> • Both proposed parcels shall be a minimum of 1,200 sq. ft. each. • The existing parcel to be subdivided shall comply with the Single-Family Residential Zoning requirements of SECTION A above. • The existing subject property shall comply with the Location requirements of SECTION A above. • The applicant shall provide a property owner-signed affidavit consistent with the Housing Demolition and Rental Market Affidavit requirements of SECTION A above. • The existing subject property shall comply with the Historic District requirements of SECTION A above.

<input type="checkbox"/>	<p>Prior Use of SB 9 Lot Split Affidavit</p> <p>The applicant shall provide a property owner-signed affidavit that states the following:</p> <p><i>The subject property has not been established through prior exercise of an SB 9 lot split, and no adjacent parcel has been subdivided by the owner of the subject property or any person acting in concert with the property owner through an SB 9 lot split.</i></p>
<input type="checkbox"/>	<p>Housing Occupancy Affidavit</p> <p>The applicant shall provide a signed affidavit that states the following:</p> <p><i>I, (insert applicant's name), will occupy one of the housing units as my principal residence for a minimum of three years from the date of approval of the urban lot split.</i></p> <p>NOTE: This requirement does not apply to a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.</p>
<p>GENERAL PROJECT REQUIREMENTS This section is for requirements of the project that are not application submittal requirements, but minimum conditions for the project.</p>	
<p>SECTION A AND B (TWO DWELLING UNITS AND URBAN LOT SPLIT)</p> <ul style="list-style-type: none"> • Notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with SB 9. <ul style="list-style-type: none"> ○ The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 sq. ft. in floor area. ○ No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. ○ A local agency may require a setback of up to four feet from the side and rear lot lines. • A local agency may require one off-street parking space per unit, unless the subject property is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code, or if there is a car share vehicle located within one block of the subject property. • A local agency may deny a proposed housing development project or urban lot split 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.

- A local agency shall require that a rental of any unit created pursuant to SB 9 be for a term longer than 30 days.

SECTION A ONLY (TWO DWELLING UNITS)

- If the residential units are connected to an onsite wastewater treatment system, evidence of a percolation test completed within the last 5 years is required, or, if the percolation test has been recertified, within the last 10 years.

SECTION B ONLY (URBAN LOT SPLIT)

- A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act.
- Notwithstanding Government Code Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to SB 9.
- A local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:
 - Easements required for the provision of public services and facilities.
 - A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.
- A local agency shall require that the uses allowed on a lot created by SB 9 be limited to residential uses.
- A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
 - This requirement shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.
- A local agency shall not require the correction of nonconforming zoning conditions.

The application completeness review process is up to a 30-day process. If all items on this checklist are not submitted, the application will be deemed incomplete. If all required items on this checklist are submitted and determined to meet all requirements outlined in this document, the application shall be deemed complete and accepted for processing.