

## SB 9 QUALIFYING CRITERIA CHECKLIST

### **GOVERNMENT CODE SECTION 66411.7: URBAN LOT SPLITS** *(START AT PAGE 6 FOR PROJECTS WITHOUT A LOT SPLIT)*

#### *Preliminary Questions*

1. Street address:
2. Assessor's Parcel Number (APN):
3. Owner/applicant name:
4. Current parcel zoning designation:
5. Size of the parcel subject to proposed split: square feet
  - a. Size of resulting parcel #1: square feet
  - b. Size of resulting parcel #2: square feet
6. Number of units existing on the parcel (indicate whether owner or renter occupied for last three years):
  - a. Primary dwelling units:
  - b. Accessory Dwelling Unit(s):
  - c. Junior Accessory Dwelling Unit(s):
7. Number of existing units to be demolished:
8. If units are to be demolished or altered:
  - a. Indicate whether owner or renter occupied for last five years:<sup>1</sup>
  - b. Income of existing tenant or last tenant in occupancy, if known:
9. Number and size of units being proposed on resulting parcel #1:
10. Number and size of units being proposed on resulting parcel #2:

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<sup>1</sup> Units that were occupied by a tenant in the past three years cannot be altered or demolished. Any units rented by lower income households in the past five years that are to be demolished must be replaced with deed-restricted lower income units as provided under the Housing Crisis Act of 2019. (G.C. Section 66300(d).)

**Required Criteria**

	<b>1. Parcel Location &amp; History</b>	<b>Yes/No/ Comments?</b>
<b>A</b>	<p><b>66411.7(a)(3)(A)</b> The parcel to be subdivided is located in a single-family residential zone.</p>	
<b>B</b>	<p><b>66411.7(a)(3)(B)<sup>2</sup></b> The parcel to be subdivided is located within a city, the boundaries of which include some portion of either an urbanized area or urban1, as designated by the U.S. Census Bureau, or for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the U.S. Census Bureau.</p>	
<b>C</b>	<p><b>66411.7(a)(3)(C)</b> The parcel does not contain any of following (listed at G.C. Section 65913.4(a)(6)((B), (C), (I), (J), (K))<sup>3</sup>:</p> <ul style="list-style-type: none"> <li>• Prime farmland, farmland of statewide importance, or land designated for agricultural protection by local voters</li> <li>• Wetlands</li> <li>• Lands designated for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.</li> <li>• Habitat for species identified as candidate, sensitive, or species of special status by state or federal agencies, full protected species, or plant or animal species protected by state or federal law.</li> <li>• Lands under conservation easement.</li> </ul>	
<b>D</b>	<p><b>66411.7(a)(3)(C)</b> If the parcel contains any of the following, the project conforms with the required measures to reduce hazards ((listed at G.C. Section 65913.4(a)(6)(D) – (H)):<sup>4</sup></p> <ul style="list-style-type: none"> <li>• High or very high fire hazard severity zone</li> <li>• Hazardous waste site</li> <li>• Earthquake fault zone</li> <li>• Flood hazard area subject to inundation by the 1 percent flood</li> <li>• Regulatory floodway</li> </ul>	

<sup>2</sup> This item is needed primarily in counties; if in a city that is partially urbanized, can be deleted.

<sup>3</sup> Please refer to the referenced code sections for more precise definitions of each of these categories.

<sup>4</sup> Please refer to the referenced code sections for more precise definitions of each of these hazard categories and required mitigation. Localities may wish to list, or provide a link or reference to, the required mitigation standards.

	<b>1. Parcel Location &amp; History</b>	<b>Yes/No/ Comments?</b>
<b>E</b>	<b>66411.7(a)(3)(E)</b> The parcel is not located in a historic district or property included on the State Historic Resources Inventory, or within a site that is designated or list as a city or county landmark or historic property or district per city or county ordinance.	
<b>F</b>	<b>66411.7(a)(3)(F)</b> The parcel was not established through a prior exercise of a Section 66411.7 lot split (urban lot split).	
<b>G</b>	<b>66411.7(a)(3)(G)</b> No parcel adjacent to this parcel was subdivided by the owner of this parcel or any person acting in concert with the owner of this parcel through a Section 66411.7 lot split (urban lot split).	

	<b>2. Lot Split Impacts &amp; Outcomes</b>	<b>Yes/No/ Comments?</b>
<b>A</b>	<b>66411.7(a)(1)</b> The lot split will result in no more than two new parcels.	
<b>B</b>	<b>66411.7(a)(1)</b> Each of the resulting parcels will constitute at least 40 percent of the lot area of the original parcel.	
<b>C</b>	<b>66411.7(a)(2)</b> Each of the resulting parcels will be at least 1,200 square feet in size. <sup>5</sup>	
<b>D</b>	<b>66411.7(j)</b> No more than two units are proposed on each lot. <sup>6</sup>	
<b>E</b>	<b>66411.7(a)(3)(D)</b> The lot split will not result in the demolition or alteration of affordable housing, rent-controlled housing, housing which has been removed from the rental market in the last 15 years by Government Code Section 7060 (Ellis Act), or housing that has been occupied by a tenant in the last 3 years. <ul style="list-style-type: none"> <li><i>(If required by the locality)</i> The property owner has signed an affidavit indicating whether or not the existing housing on the property has been occupied by a tenant in the last three years.</li> </ul>	

<sup>5</sup> Unless the locality elects to allow smaller parcels.

<sup>6</sup> The locality may elect to allow more than two units on each lot.

	<b>2. Lot Split Impacts &amp; Outcomes</b>	<b>Yes/No/ Comments?</b>
<b>E</b>	<b>66300(d)</b> If housing will be demolished, the project complies with the replacement housing provisions of the Housing Crisis Act of 2019.	
<b>F</b>	<b>66411.7(g)(1)</b> <i>Skip to next question if applicant is community land trust or qualified nonprofit corporation.</i> The applicant has submitted an affidavit stating that he/she/they intend to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval of the urban lot split.	
<b>G</b>	The applicant has agreed to record a covenant restricting the units to residential uses; requiring that the units are rented only for a period longer than 30 days; and prohibiting the further subdivision of either of the resulting parcels using the procedures set forth in Cal. Government Code Section 66411.7.	

	<b>3. Objective Standards</b>	<b>Yes/No/ Comments?</b>
<b>A</b>	<b>66411.7(b)(2)</b> The lot split will conform to all applicable objective requirements of the Subdivision Map Act. <sup>7</sup>	
<b>B</b>	<b>66411.7(c)(1)-(3)</b> The lot split will conform to all applicable objective zoning, subdivision, and design review standards so long as they do not physically preclude two units on each lot of 800 sf each and allow a setback of at least four feet <sup>8</sup> from the rear and side property lines (or none if in an existing structure or new structure built to the same dimensions). <sup>9</sup>	
<b>C</b>	<b>66411.7(k)</b> If adjacent or connected structures are proposed, the structures meet building code standards and are sufficient to allow separate conveyance.	

<sup>7</sup> Localities may have separate checklists for subdivision approvals.

<sup>8</sup> Local agencies may allow smaller setbacks.

<sup>9</sup> Localities may have separate zoning and design review checklists.

	<b>3. Objective Standards</b>	<b>Yes/No/ Comments?</b>
<b>D</b>	<b>66411.7(e)(3)</b> <b>Parking.</b> The project provides at least one off-street parking space per unit <sup>10</sup> unless: <ul style="list-style-type: none"> <li>• The parcel located within one-half walking distance of either a high-quality transit corridor, or major transit stop; or</li> <li>• The parcel is located within one block of a car share vehicle.</li> </ul>	
<b>E</b>	<b>66411.7(e)(2)</b> <b>Access to Right-of-Way.</b> Both of the resulting parcels will either have access to, provide access to, or adjoin the public right-of-way. <sup>11</sup>	

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<sup>10</sup> Agencies may require less parking.

<sup>11</sup> Localities may wish to include their access standards here.

# GOVERNMENT CODE SECTION 65852.21: TWO-UNIT DEVELOPMENTS

## *Preliminary Questions*

1. Street address:
2. Assessor's Parcel Number (APN):
3. Owner/applicant name:
4. Parcel zoning designation:
5. Parcel size: square feet
6. Number of units existing on the parcel (indicate whether owner or renter occupied for last three years):
  - a. Primary dwelling units:
  - b. Accessory dwelling unit(s):
  - c. Junior accessory dwelling unit(s):
7. Number of existing units to be demolished:
8. If units are to be demolished or altered:
  - a. Indicate whether owner or renter occupied for last five<sup>12</sup> years:
  - b. Income of existing tenant or last tenant in occupancy, if known:
9. Number and size of units being proposed:

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<sup>12</sup> Units that were occupied by a tenant in the past three years cannot be altered or demolished. Any units rented by lower income households in the past five years that are to be demolished must be replaced with deed-restricted lower income units as provided under the Housing Crisis Act of 2019. (G.C. Section 66300(d).)

**Required Criteria**

	<b>1. Project Location</b>	<b>Yes/No/Comments?</b>
<b>A</b>	<p><b>65852.1(a)</b> The proposed development is located in a single-family residential zone.</p>	
<b>B</b>	<p><b>65852.1(a)(1)</b> The proposed development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the U.S. Census Bureau, or for unincorporated areas, wholly within the boundaries of an urbanized area or urban cluster, as designated by the U.S. Census Bureau.<sup>13</sup></p>	
<b>C</b>	<p><b>65852.1(a)(2)</b> The parcel does not contain any of following (listed at G.C. Section 65913.4(a)(6)((B), (C), (I), (J), (K))<sup>14</sup>:</p> <ul style="list-style-type: none"> <li>• Prime farmland, farmland of statewide importance, or land designated for agricultural protection by local voters</li> <li>• Wetlands</li> <li>• Lands designated for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.</li> <li>• Habitat for species identified as candidate, sensitive, or species of special status by state or federal agencies, full protected species, or plant or animal species protected by state or federal law.</li> <li>• Lands under conservation easement.</li> </ul>	

<sup>13</sup> This item is needed primarily in counties; if in a city that is partially urbanized, can be deleted.

<sup>14</sup> Please refer to the referenced code sections for more precise definitions of each of these categories.

	<b>1. Project Location</b>	<b>Yes/No/Comments?</b>
<b>D</b>	<p><b>65852.1(a)(2)</b>            If the parcel contains any of the following, the project conforms with the required measures to reduce hazards ((listed at G.C. Section 65913.4(a)(6)(D) – (H)):<sup>15</sup></p> <ul style="list-style-type: none"> <li>• High or very high fire hazard severity zone</li> <li>• Hazardous waste site</li> <li>• Earthquake fault zone</li> <li>• Flood hazard area subject to inundation by the 1 percent flood</li> <li>• Regulatory floodway</li> </ul>	
<b>E</b>	<p><b>65852.1(a)(6)</b>            The proposed development is not located in a historic district or property included on the State Historic Resources Inventory, or within a side that is designated or list as a city or county landmark or historic property or district per city or county ordinance.</p>	

	<b>2. Housing Development Project Impacts &amp; Outcomes</b>	<b>Yes/No/Comments?</b>
<b>A</b>	<p><b>65852.21(a);(i)(1)</b>            The project proposes no more than two new units or proposes to add one new unit to an existing unit.</p>	
<b>B</b>	<p><b>65852.21(a)(3)-(4)</b>            The proposed housing will not result in the demolition or alteration of affordable housing, rent-controlled housing, housing which has been removed from the rental market in the last 15 years (<i>see</i> Government Code Section), or housing that has been occupied by a tenant in the last 3 years.</p> <ul style="list-style-type: none"> <li>• (<i>If required by the locality</i>) The property owner has signed an affidavit indicating whether or not the existing housing on the property has been occupied by a tenant in the last three years.</li> </ul>	
<b>C</b>	<p><b>65852.21(a)(5)</b>            The proposed housing will not demolish more than 25 percent of the existing exterior structural walls, unless either the local ordinance allows, or the site has not been occupied by a tenant in the last three years.</p>	

<sup>15</sup> Please refer to the referenced code sections for more precise definitions of each of these hazard categories and required mitigation. Localities may wish to list, or provide a link or reference to, the required mitigation standards.



	<b>2. Housing Development Project Impacts &amp; Outcomes</b>	<b>Yes/No/Comments?</b>
<b>D</b>	<b>66300(d)</b> If housing will be demolished, the project complies with the replacement housing provisions of the Housing Crisis Act of 2019.	
<b>E</b>	The applicant has agreed to record a covenant restricting the units to residential uses and requiring that the units are rented only for a period of longer than 30 days.	

	<b>3. Objective Standards</b>	<b>Yes/No/Comments?</b>
<b>A</b>	<b>65852.21(b).</b> The housing will conform to all applicable objective zoning, subdivision, and design review standards so long as they do not physically preclude two units on each lot of 800 sf each and allow a setback of at least four feet <sup>16</sup> from the rear and side property lines (or none if in an existing structure or new structure built to the same dimensions). <sup>17</sup>	
<b>B</b>	<b>65852.21(c)</b> <b>Parking.</b> The project provides at least one off-street parking space per unit <sup>18</sup> unless: <ul style="list-style-type: none"> <li>• The parcel located within one-half walking distance of either a high-quality transit corridor, or major transit stop; or</li> <li>• The parcel is located within one block of a car share vehicle.</li> </ul>	
<b>C</b>	<b>65852.21(g).</b> If adjacent or connected structures are proposed, the structures meet building code standards and are sufficient to allow separate conveyance.	
<b>D</b>	<b>65852.21(c)(2)</b> <b>Percolation Test.</b> If the unit is connected to an onsite wastewater treatment system, a percolation test been completed within the last 5 years, or within the last 10 years for a recertified percolation test. <sup>19</sup>	

<sup>16</sup> Local agencies may allow smaller setbacks.

<sup>17</sup> Localities may have separate zoning and design review checklists.

<sup>18</sup> Agencies may require less parking.

<sup>19</sup> Localities may choose whether or not to require a percolation test.