



## CHECKLIST FOR SB 9 LOT SUBDIVISION

This checklist is designed to provide property owners with an overview of the SB 9 requirements and process to subdivide an existing parcel into two legal parcels.

California Senate Bill 9 (SB 9) created a “ministerial approval process” for “urban lot split” projects in single-family residential (R-1A or R1-B) zoning district. To qualify for the “ministerial approval process,” the project must satisfy the eligibility requirements listed in Government Code §65852.21 and/or §66411.7.

Projects must meet all the prerequisites listed below to potentially qualify for ministerial approval of a two-lot subdivision on a single-family zoned parcel. The criteria are state-mandated and cannot be waived or amended.

### Eligibility Criteria to apply for an SB 9 Lot Subdivision

*To qualify as an SB 9 ministerial approval project, the applicant must check each box for all the following general requirements, and all of the requirements for one or both of the project types:*

#### **General Requirements**

1. The subject parcel is not:
  - A parcel that was established through a prior urban lot split pursuant to SB 9.
  - A parcel that is adjacent to another parcel where either the owner of the parcel proposing to be split or any person acting in concert with that owner has previously split an adjacent parcel using the provisions of SB 9.
  - Any parcel where the urban lot split would require the demolition or alteration of any of the following types of housing:
    - 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.
    - Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
    - A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within fifteen (15) years before the date of the application to split the lot.
    - Housing that has been occupied by a tenant in the last three years.

- Within a historic district or included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or a parcel within a site that is designated or listed as a Town of Atherton or San Mateo County landmark or historic property or district pursuant to a Town of Atherton or San Mateo County ordinance.
  - Within a 100-year flood zone, or within a floodway.
  - Property Designated prime farmland
  - Within a very high or high fire severity zone (consult <https://egis.fire.ca.gov/FHSZ/>)
  - Within a hazardous waste or hazardous list site (consult <https://www.envirostor.dtsc.ca.gov/public/>)
  - Within a delineated earthquake fault zone (consult <https://maps.conservation.ca.gov/cgs/EQZApp/app/>)
  - Property that contains habitat for protected species or is not lands under a conservation easement.
  - Property that is identified for conservation in an adopted community conservation plan
  - Property that contains wetlands (including creeks)
2. Parcel has a zoning designation of R-1A or R-1B (i.e. a single-family zoned parcel).
  3. New parcel must be at least 40% of the original parcel's size.
  4. Each new parcel must be at least 1,200 square feet in lot area.

**Urban Lot Split Project Requirements**

- Each parcel created by an Urban Lot Split shall adjoin the public right of way by means of a minimum twenty-foot street frontage.
- The subject parcel must provide at least one off-street parking space per unit, unless ...
  - Parcel is located within ½ mile walking distance of a transit stop.
  - Parcel is located within one block of a car share vehicle parking space.
- The subject parcel(s) are limited to residential uses with a maximum of two dwelling units on each resulting parcel.
- As part of the application, the owner must sign an affidavit stating they will occupy one of the housing units as their principal residence for a minimum of three years.

**CERTIFICATION:**

I certify and declare under penalty of perjury under the laws of the State of California that the answers furnished above, and in the attached exhibits, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I further understand that additional information may be required to be submitted to the Town of Atherton to complete my review.

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Applicant Signature

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Date

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Property Owner Signature

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Date