



City of Gilroy
COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING DIVISION
7351 Rosanna Street, Gilroy CA 95020
(408) 846-0440, main • (408) 846-0429, fax
www.cityofgilroy.org/planning

SB 9 Eligibility Checklist

This checklist provides an overview of Senate Bill 9 (Government Code Section 66411.7) requirements which allows ministerial (staff level building permit) approval of a proposed housing development containing no more than 2 residential units (e.g., one duplex **or** two (2) detached single-family homes) in single-family residential zones OR a subdivision of one (1) single-family residential lot into two (2) lots.

The answers to all of the statements on the following pages must be “yes” for the project to be eligible for the SB 9 approval process.

The property owner shall also **sign the attached affidavit** regarding certain requirements of SB 9.

Preliminary Questions	
Street Address:	
Assessor's Parcel Number (APN):	
Owner/applicant name:	
Property zoning designation:	
Size of existing parcel:	_____ square feet
Number of units on the parcel within last 3 years:	
Number of owner-occupied units within last 3 years:	
Number of renter-occupied units within last 3 years:	
Number of existing Primary dwelling units:	
Number of existing Accessory Dwelling Unit(s):	
Number of existing Junior ADU(s):	

<u>If urban lot split proposed:</u>	
Size of parcel #1 (if lot split proposed)	_____ square feet
Number & size of units proposed on parcel #1:	
Size of parcel #2 (if lot split proposed)	_____ square feet
Number & size of units proposed on parcel #2:	

<u>If units are to be demolished or altered¹:</u>	
Number of existing units to be demolished or altered:	
Income of existing tenant or last tenant in occupancy, if known:	

¹ 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).)



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Parcel Location & History

	YES	NO
The parcel is located in a single-family residential zone (R1 or RH).	☐	☐
The parcel is located within the Gilroy city limits, in an urbanized or rural area as defined as designated by the U.S. Census Bureau.	☐	☐
The property/building is not included on the City's Historic Resource Inventory, the State Historic Resources Inventory, or designated as a Santa Clara County landmark or historic property or historic district.	☐	☐
The parcel does not contain any of following ² :		
• Prime farmland, farmland of statewide importance, or land designated for agricultural protection in the City's Agricultural Mitigation Policy	☐	☐
• Wetlands	☐	☐
• Lands designated for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.	☐	☐
• 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.	☐	☐
• Lands under conservation easement.	☐	☐
If the parcel contains any of the following, the project conforms with the required measures to reduce hazards ³		
• High or very high fire hazard severity zone	☐	☐
• Hazardous waste site	☐	☐
• Earthquake fault zone	☐	☐
• Flood hazard area subject to inundation by the 1 percent flood	☐	☐
• Regulatory floodway	☐	☐

² Please refer to G.C. Section 65913.4(a)(6)((B), (C), (I), (J), (K) for more precise definitions of each of these categories.

³ Please refer to G.C. Section 65913.4(a)(6)(D) – (H) for more precise definitions of each of these hazard categories.

Please ask City staff regarding required mitigation.



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General Checklist

	YES	NO
The project proposes no more than two new primary units or proposes to add one new primary unit to an existing primary unit.	☐	☐
The project 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 (Ellis Act), or housing that has been occupied by a tenant in the last 3 years.	☐	☐
The project will not demolish more than 25 percent of the existing exterior structural walls if the site has been occupied by a tenant in the last 3 years.	☐	☐
If housing will be demolished, the project complies with the replacement housing provisions of the Housing Crisis Act of 2019.	☐	☐
None of the residential units will be rented for a period less than 30 days.	☐	☐
The project will conform to all applicable objective zoning, subdivision, and design review standards. Please see applicable zoning and design review checklists.	☐	☐
The project provides at least one off-street parking space (9'x18') per unit unless:	☐	☐
The parcel is located within one-half mile walking distance of the Gilroy Transit Station, VTA bus line 68 corridor, or within one block of a car share vehicle.		
Indicate how project qualifies for exception: _____		
If adjacent or connected structures are proposed, the structures meet building code standards and are sufficient to allow separate conveyance.	☐	☐
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.	☐	☐
The applicant has signed the attached affidavit.	☐	☐



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The answers to **ALL** of the statements below must be “yes” for the project to be eligible for the SB 9 approval process. The applicant must **demonstrate** (providing supplemental exhibits as appropriate) how the determination of compliance was rendered, or the application will not be accepted.

Lot Split Checklist

	YES	NO
The parcel was not established through a prior exercise of an SB9 lot split.	☐	☐
No adjacent 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 / SB9 lot split.	☐	☐
The lot split will result in no more than two total parcels.	☐	☐
Each parcel will constitute at least 40 percent of the original parcel lot area.	☐	☐
Each parcel will be at least 1,200 square feet in size.	☐	☐
No more than two total units are proposed on each parcel. Unit means any dwelling unit including a primary dwelling, an ADU, or JADU.	☐	☐
Minimum Frontage: The minimum frontage of each parcel shall be forty (40) feet, unless such requirement would preclude the creation of a lot with a maximum area of 1,200 square feet.	☐	☐
Flag Lot Access: The access corridor from the street to a flag lot shall be a minimum 18-foot wide.	☐	☐
ROW Access: Each parcel has access to, provides access to, or adjoins the public right-of-way.	☐	☐
Public services and facilities are accessible (e.g., through an easement).	☐	☐
Parking. The project provides at least one off-street parking space (9'x18') per unit unless: The parcel is located within one-half mile walking distance of the Gilroy Transit Station or VTA bus line 68 corridor; or within one block of a car share vehicle.	☐	☐
The lot split will conform to all applicable requirements of the Subdivision Map Act. ⁴	☐	☐
The lot split will conform to all objective zoning, subdivision, and design standards. ⁵	☐	☐
If adjacent or connected structures are proposed, the structures meet building code standards and are sufficient to allow separate conveyance.	☐	☐

⁴ Please see applicable checklists for subdivision approvals.

⁵ Please see applicable Objective Development standards checklists.



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General Restrictions

	YES	NO
The applicant has signed the attached affidavit restricting the units to residential uses and requiring that the units are rented only for a period no less than 30 days.	☐	☐
The applicant has signed the attached affidavit prohibiting further subdivision of any parcels created under SB 9 / Government Code Section 66411.7.	☐	☐
The applicant has signed the attached 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 ⁶ .	☐	☐
The applicant has signed the attached affidavit stating that the project will not result in the demolition or alteration of housing that has been occupied by a tenant in the last 3 years.	☐	☐
The applicant has signed the attached affidavit stating that the project will not result in the demolition or alteration of affordable housing or rent-controlled housing.	☐	☐
The applicant has signed the attached affidavit stating that the project will not result in the demolition or alteration of housing which has been removed from the rental market in the last 15 years by Government Code Section 7060 (Ellis Act).	☐	☐
If housing will be demolished, the project complies with the replacement housing provisions of the Housing Crisis Act of 2019.	☐	☐

PROCESS NOTES:

- Please complete and sign this application checklist.
- Please submit this completed checklist and signed affidavit with your application for a housing development or urban lot split, pursuant to Senate Bill 9 / Government Code Section 66411.7.
- If housing will be demolished, the project shall comply with the replacement housing provisions of the Housing Crisis Act of 2019.
- Parcel Maps are processed by the Public Works Department **following review by the Planning Division** for compliance with state law and the Gilroy City Code.

⁶ Not applicable if applicant is community land trust or qualified nonprofit corporation.



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SB 9 (Government Code Section 66411.7) Owner Affidavit

Property Address: _____ APN: _____

Property Owner Name: _____

Phone No.: _____ Email: _____

Mailing Address: _____

I, _____, declare and state:

1. No housing unit on the above property will be rented for a period of less than thirty (30) days.
2. The project 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.

For an Urban Lot Split:

3. I intend to occupy one of the proposed housing units as my principal residence for a minimum of three (3) years from the date of the approval of the Urban Lot Split (Final Map recordation).
4. I have not previously subdivided this property or an adjacent parcel using the provisions of Government Code Section 66411.7 (SB 9).
5. Neither I, nor any person acting as my agent or representative, have or has acted in concert with another person to subdivide an adjacent parcel using Government Code Section 66411.7 (SB 9).
6. I agree that no further subdivision of any parcels created under SB 9 / Government Code Section 66411.7 will be allowed, unless otherwise allowed by the Gilroy City Code.

I declare under penalty of perjury of the laws of the State of California that **the foregoing is true and correct** to the best of my knowledge.

I understand that any information provided becomes part of the **public record** and can be made available to the public for review and posted to the city website.

PROPERTY OWNER:

Property Owner Signature

Date Executed