



Senate Bill 9 Eligibility Checklist: Urban Lot Splits

The following information and checklist are intended as a guide to help applicants and the Town's Community Development Department determine if an Urban Lot Split project is eligible for processing under Senate Bill 9 (SB 9). To be eligible for SB 9 processing, a project must meet ALL the following criteria, from 1 through 13, and all requirements of SB 450:

Applicant Name: _____

Address: _____ APN: _____

1. **SINGLE-FAMILY RESIDENTIAL ZONING.** The project site must be classified as a single-family zoning district. Single-family zoning districts in the Town of San Anselmo include R-1, R-1-H, R-1-C, and SPD R-1 districts. Only residential uses are allowed on a parcel created by an urban lot split.
2. **NUMBER AND SIZE OF LOTS.** The parcel map can only divide an existing parcel to create no more than two (2) new parcels of approximately equal lot area, provided that one parcel shall not be smaller than forty percent (40%) of the lot area of the original parcel proposed for subdivision. Neither the newly created lot nor the original lot shall be smaller than 1,200 square feet.
3. **NUMBER OF DWELLING UNITS.** No more than two (2) dwelling units may be located on any lot created through an urban lot split, including primary dwelling units, ADUs, JADUs, density bonus units, and units created as a two-unit development.
4. **DEMOLITION OF EXISTING HOUSING.** The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
 - 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.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. A parcel (or parcels) 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 Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application. (California Gov Code Section 65852.21)
 - iv. Housing that has been occupied by a tenant in the last three years.

5. **CONSISTENT WITH OBJECTIVE STANDARDS.**¹ The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Division 2, commencing with Section 66410), except as otherwise stated below.
 - i. The parcel shall conform to the objective zoning standards and subdivision standards that apply uniformly to the underlying zoning district.
 - ii. No setback shall be required for an existing dwelling unit or a dwelling unit constructed in the same location and to the same dimensions as an existing dwelling unit.
 - iii. A setback of four (4) feet from the side and rear lot lines is required for a newly created dwelling unit.
 - iv. Notwithstanding anything to the contrary in this section, the Town shall not impose objective zoning standards, objective subdivision standards, or objective design review standards that would have the effect of physically precluding the construction of two (2) dwelling units on either of the newly created parcels or that would result in a dwelling unit size of less than 800 square feet.
6. **HISTORIC DESIGNATION.** The parcel cannot be 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 Town landmark or historic district or property pursuant to a Town Ordinance.
7. **PRIOR URBAN LOT SPLIT.** The parcel may not have been established through prior exercise of an urban lot split.
8. **ACTING IN CONCERT.** Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split
9. **EASEMENTS.** The applicant shall execute easements or show evidence of such easements, necessary for the provision of public services and facilities.
10. **ACCESS.** Each resultant parcel shall have access to, provide access to, or adjoin a right-of-way
11. **OFF-STREET PARKING.** Off-street parking of up to one space per unit is required, except that no parking shall be required in either of the following instances:
 - i. The parcel is located within one-half (1/2) 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.
 - ii. There is a car share vehicle located within one block of the parcel.

¹ "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

12. **LOCATION.** The project must be located on a property that is outside each of the following areas. Some resources are publicly available in the Town's General Plan EIR or through various state and regional websites. However, we do recommend that you consult with a professional:
- i. Within a wetland, as defined in the United States Fish and Wildlife Service Manual, Part 660, as may be amended.
 - ii. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, 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. This subparagraph does not apply to sites excluded from the specified hazard zones by the Town pursuant to Section 5117 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or State fire mitigation measures applicable to the development.
 - iii. Within A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - iv. Within 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 the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.
 - v. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph, the Town shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the Town that applies to that site. A development may be located on a site described in this subparagraph if either of the following are met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the Town or (2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program 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.
 - vi. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published 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. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the Town shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the Town that is applicable to that site.
 - vii. Within 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 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

- viii. 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).

13. **HABITATION REQUIREMENTS.** Applicant must sign an affidavit stating they intend to live in one of the units for 3+ years

I HEREBY CERTIFY under penalty of perjury that the above is true and correct and agree to comply with all Town and state laws regulating this work. I further agree to save, indemnify, and keep harmless the Town of San Anselmo, its officers and representatives against all liabilities and judgments resulting from, or which may in any way accrue in consequence of the granting of, this permit.

Signature of Property Owner Date

Signature of Applicant Date

Printed Name of Property Owner

Printed Name of Applicant Date

For Town Staff use only:

Application No.: _____

Date Received: _____

These Plans and submitted materials are found to conform to the Town of San Anselmo Ordinance 2025-1193.

Approved by: _____

Date: _____

Denied by: _____

Date: _____

If so, why? _____



Affidavit of Intent to Occupy

Parcel Map for an Urban Lot Split under California Government Code Section 66411.7

The undersigned _____ applicant for a Parcel Map for an Urban Lot Split for the parcel identified as _____, in the Town of San Anselmo, California, more specifically described on Exhibit "A" attached, intends to occupy one of the housing units on the newly created lots as their principal residence for a minimum of three years from the date of the approval of the Urban Lot Split.

The undersigned affiant or declarant affirms or declares under penalty of perjury under the Sate of California that the foregoing is true and correct.

Dated: _____

Signed: _____

Name of Applicant