



CITY OF ORINDA
SB 9 Application

22 Orinda Way, Orinda, CA 94563
(925)253-4210 ▪ orindaplanning@cityoforinda.org

PROPERTY

Address:

Assessor's Parcel Number:

PROPERTY OWNER(S)

Name:

Mailing Address:

Phone:

Email:

APPLICANT(S) (If not the property owner)

Name:

Mailing Address:

Phone:

Email:

APPLICATION(S) (Check all that apply)

☐ *SB 9 Unit Application*

A single family house or additional unit (sometimes referred to as a duplex unit) as described in state law. Applicants wishing to apply to construct an ADU or Junior ADU should refer to the City's application materials for such units.

☐ *SB 9 Lot Split Application*

The subdivision of an existing legal lot into two legal lots as described in state law.

PROJECT DESCRIPTION

PROPERTY INFORMATION

Present use of property and buildings:

ACKNOWLEDGEMENT/CERTIFICATION

1. I certify **under penalty of perjury** that all information provided with this SB 9 Application is true and correct.
2. Failure to provide all pertinent data or providing poorly executed plans may delay the processing of an application.
3. City staff may inspect the site of your proposed project. Access to your property is mandatory, but will be limited to the above mentioned planning agency personnel, as is regulated by the State's Planning and Zoning Law. You are not required to provide access to your property to the general public. Please make any necessary arrangements with staff regarding their access to your property.
4. Applicant/Property Owner agrees to defend, indemnify, release and hold harmless the City of Orinda, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "City") from any claim, action or proceeding (hereafter collectively "proceeding") brought against the City to attack, set aside, void or annul the City's project approvals and/or any action relating to such project approvals, including actions taken to comply with the California Environmental Quality Act. This indemnification shall include, but not be limited to, any damages awarded against the City, the City's attorneys' fees and cost of suit, the cost of preparing the administrative record, any award of opposing counsel's attorneys' fees or costs of suit, and any other liabilities and expenses incurred in connection with such proceeding, whether incurred by the Applicant, the City, and/or the parties initiating or bringing such proceeding. Applicant acknowledges that the City may elect to retain its own counsel to represent it in such proceeding and agrees to reimburse the City for associated attorneys' fees and costs of suit. Applicant further agrees to indemnify the City for all costs, attorneys' fees, and damages, which the City incurs in enforcing this indemnification agreement. In the event any proceeding is brought, City shall promptly notify the Applicant of the proceeding, and City shall coordinate with Applicant regarding defense of the proceeding.
5. If the application includes an SB 9 Lot Split, the property owner certifies that:
Neither the property 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 as provided for in the Government Code 66411.7/SB 9 (2021).
6. If the application includes demolition of more than 25% of the walls of an existing dwelling unit, the property owner certifies that the subject unit has not been occupied by a tenant in the last 3 years.

PROPERTY OWNER

Signature: _____

Date: _____

APPLICANT (If not the property owner)

Signature: _____

Date: _____



CITY OF ORINDA

SB 9 Checklist

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Senate Bill 9 (SB 9), effective January 1, 2022, creates a streamlined and ministerial approval process for certain housing and/or lot split projects under [Government Code §65852.21](#) and [Government Code §66411.7](#). In addition to this checklist, applicants must provide all required submittal requirements in the SB 9 Unit Application and/or the SB 9 Lot Split Application to demonstrate eligibility.

In this form:

- **“SB 9 Unit”** means a single family house or additional unit (sometimes referred to as a duplex unit) as described in state law. Applicants wishing to apply to construct an ADU or Junior ADU should refer to the City’s application materials for such units.
- **“SB 9 Lot Split”** means the subdivision of an existing legal lot into two legal lots as described in state law.

During the application process, Planning staff may confirm the accuracy of the answers to these questions based on the complete application materials.

If the answers to all the “ELIGIBILITY REQUIREMENTS” questions below are “yes” or “N/A”, then the project qualifies for SB 9 streamlining. If the answer to any questions are “no”, then the project is ineligible. *Note that State law requires that some objective standards be waived in order to allow at least two 800 sf SB 9 units.*

Project Address:

ELIGIBILITY REQUIREMENTS		YES	NO	N/A
1	Is the subject parcel zoned for single-family residential use? (Verify the zoning of a parcel in Orinda here .)			
2	Does the project either propose at least one new SB 9 unit and/or SB 9 Lot Split?			
3	Including any existing main home on the property, are you proposing no more than two primary residential units per legal lot?			
4	Does the project: (a) Comply with all applicable objective standards, and (b) <u>Not</u> contain any components, such as removal of Protected Tree(s) or construction of an Elevated Deck that would require discretionary review? <i>Note: If discretionary review is required for a component of the project, this must be processed and approved separately prior to the SB 9 application.</i>			
5	If all or a portion of any proposed SB 9 unit is located within the Ridgeline and Environmental Preservation Overlay District (R-Overlay), does the structure(s) in that area comply with the code maximums of 500 sf (total) and no more than 18’ in height?			
6	If the subject parcel qualifies as a Small and Narrow Lot , does the SB 9 unit comply with the code maximum of 200 sf?			

-
- 7 Does the combined total of proposed SB 9 units (including any existing unit on the subject parcel) comply with the [Maximum FAR](#) for the subject parcel?
-
- 8 Does any new SB 9 unit not exceed the 7,000 sf threshold for [Very Large Homes](#)?
-
- 9 If the parcel is located within the Very High Fire Hazard Severity Zone (VHFHSZ), does the project comply with applicable building standards and state fire mitigation measures? (Verify if your property is in the VHFHSZ [here](#).) All applications for units proposed within the Very High Fire Hazard Severity Zone are required to include MOFD approval for completeness.
-
- 10 If the parcel is located within an earthquake fault zone, does the project comply with applicable seismic protection building code standards?
-
- 11 If the parcel is located in a special flood hazard area subject to induction by the 1 percent annual chance flood (100-year flood) or regulatory floodway as determined by FEMA, does the project meet applicable federal criteria?
-
- 12 Is the project located on a property outside each of the following areas?
- Prime farmland
 - Wetlands as defined under federal law
 - Hazardous waste site
 - Protected species habitat
 - Lands under a conservation easement
 - Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan or other adopted natural resource protection plan
 - A site containing a historic landmark or within a historic district (local landmarks can be viewed [here](#))
-
- 13 Does the project:
- Avoid demolition of more than 25% of existing exterior walls of an existing dwelling that has been occupied by a tenant in the last 3 years?
 - Avoid demolition or alteration of affordable housing, rent controlled housing, housing that was withdrawn from rent within the last 15 years, or tenant occupied in the last 3 years?
-
- 14 If proposing a lot split:
- A. Does the property owner intend to occupy an existing or proposed unit on one of the subject lots for at least 3 years?
 - B. Is the property owner an individual, and not an LLC, corporation, or other organization?
 - C. Is one of the newly-created lots at least 40% of the size of the existing lot, and in no case smaller than 1,200 square feet?
 - D. Was the existing lot created through a standard subdivision process (i.e., not created using SB 9)?

OPTIONAL: To facilitate staff review, you may submit a cover letter explaining some or all responses.



CITY OF ORINDA

SB 9 Lot Split Affidavit

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I am the owner of the property located at _____, Orinda, California ("Property") and applied to the City of Orinda for approval of an urban lot split pursuant to California law, Senate Bill 9 ("SB9").

I intend to occupy one of the onsite housing units on the Property as my principal residence for a minimum of three years from the date of approval of the urban lot split.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Print Name:

Date:

Signature:



CITY OF ORINDA

SB 9 Lot Split Application - Submittal Requirements

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Senate Bill 9 (SB 9) creates a streamlined and ministerial approval process for certain housing and/or lot split projects under [Government Code §65852.21](#) and [Government Code §66411.7](#). In addition to permitting up to two units on a single-family lot, the legislation allows qualifying lot splits to be approved ministerially pursuant to a parcel map upon meeting a number of criteria found in the SB 9 Checklist. *(A lot will not qualify for an SB 9 lot split if it was established through prior exercise of an urban lot split as provided for in Government Code 66411.7/SB 9 (2021).)*

“Lot Split” or “Urban Lot Split” means the subdivision of an existing legal lot into two legal lots.

Additional criteria include the following:

- Each lot must be at least 40 percent of the original lot’s size or at least 1,200 square feet, whichever is greater.
- The lot split shall meet all applicable objective standards.

FEES

Application Fee	\$15,000.00 (deposit) ¹
Soils Report Peer Review	\$3,600.00 (deposit) ¹
Surcharge Fee	\$228.00
TOTAL	\$18,828.00

¹A deposit reflects the average amount of time spent to process an application. When you pay a deposit, an account will be set-up for the project that will be charged at the hourly rate for staff time. In some instances, complex projects may exceed the deposit amount, which would require the deposit to be replenished. Any deposit amount remaining at the end of the project will be refunded to the applicant.

SUBMITTAL REQUIREMENTS

How To Submit Your Application – Applications are only accepted electronically. Submit your complete application online at <https://www.cityoforinda.org/527/Application-Submittal>.

1. ***SB 9 Application Form***
2. ***SB 9 Checklist***
3. ***SB 9 Lot Split Affidavit***
4. ***Moraga-Orinda Fire District (MOFD) Approval.***

Approval from the Moraga-Orinda Fire District (MOFD) indicating compliance with the Fire Code.

5. ***Tentative Parcel Map***

The tentative parcel map shall be clearly and legibly drawn and shall contain the following information:

- The title, which shall contain the subdivision number assigned by the City and the parcel map;

- Names and addresses for:
 - Legal owner of property, and
 - Person or persons who prepared the map;
- A topographical map accurately showing contours and other features of the existing terrain within the subdivision, existing drainage channels, roads, culverts, overhead and underground utility lines which affect the design of the subdivision, wells and springs, structures, irrigation ditches, utility poles, and other improvements in their correct location. Elevations shall be in accord with U. S. Geological Survey (1929 Sea Level datum.) The map shall be drawn to an engineer's scale large enough to show all information clearly. The parcel shall be oriented on the map sheet such that the north arrow shall point toward the top of the sheet. Contour interval shall not be greater than two feet if the ground slope is less than ten percent nor larger than five feet for ground slopes greater than ten percent; and at such intervals that the contour lines will not be spread more than one hundred fifty (150) feet (ground distance) apart. The map shall show:
 - The outline of any geologic or potentially hazardous soil condition, and areas subject to inundation or ponding,
 - The edges of pavement of existing streets, private roads, driveways and other paved areas,
 - Location of existing property lines and boundaries of existing easements within the subdivision, with the names of the owners of record, of easements, exclusions, and the properties abutting the subdivision,
 - The proposed lot, street layout and driveways/access easements with scaled dimensions of each lot.
- Each lot shall be identified by: (a) lot number, beginning with number "1" or (b) lot letters, beginning with letter "A". Numbers or letters shall be consecutive with no omissions or duplications.
- The area of each lot on the parcel map. Lot size and dimensions shall conform to the requirements of SB 9 and all applicable City standards (e.g., structure setbacks, lot width, etc.).
- The locations of all proposed easements for drainage, creek setback, and utility access.
- The location and width of access to the public right-of-way or fronting roadway.
- The location and species of all trees or, if massed, the outline of the tree mass. Trunk diameter of all trees six inches in diameter and over shall be noted.
- Location, approximate grade, direction of flow and type of facility of existing drainage channels and storm drains.
- A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to community development.
- North arrow, scales for maps and contour interval.
- Boundary lines or existing land use zones shall be delineated.
- The following language shall be included in the Owner's Statement section of the Parcel Map: "This subdivision is an Urban Lot Split pursuant to Government Code 66411.7/SB 9 (2021)."

6. Closure Calculations

Provide closure calculations of existing parcel and proposed parcels.

7. Soils Report

A preliminary geologic and/or soils investigation report. Each report of a geological investigation shall

be prepared and signed by an engineering geologist. Each report of a soil investigation shall be prepared and signed by a soils engineer. The required report should be based on the latest topographic plan for the subject development and shall reference the date of that grading plan. All reports shall include the following:

- A detailed geologic map showing the location and extent of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the subject property which warrants special management and/or further evaluation,
- Recommendations outlining an exploration program to fully define and delineate any geologic hazard or potentially hazardous soil condition, and to accurately identify developable areas,
- Conclusions regarding the effect of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the project site on the design of the proposed subdivision,
- Recommendations for redesign of the subdivision and/or recommendations for construction procedure to mitigate potentially hazardous conditions, if warranted.

8. Title Report

A title report not more than six months old.

9. Utility Will-Serve Letters

A “will serve” letter from all applicable utility agencies indicating that utility services are available to the new subdivided lots.

REQUIREMENT PRIOR TO APPROVAL

10. Subdivision Improvement Agreement

The City will prepare a Subdivision Improvement Agreement for the applicant to review and sign. The signed Subdivision Improvement Agreement must be recorded with the Contra Costa County Recorder’s Office prior to the City’s approval of an SB 9 lot split application. Alternatively, the applicant must install the improvements prior to approval of the final parcel map.

11. Parcel Map

After approval of the Tentative Map, a Parcel Map is required for City Review and approval by City Council. The form and content of the parcel map shall be in conformance with the Subdivision Map Act and City of Orinda Ordinance 21-8. The Parcel Map shall be clearly and legibly drawn and shall contain the following information:

- Title Page:
 - Prepare signature blocks for all parties required by the Subdivision Map Act. An example Title Page can be provided if needed,
 - The title, which shall contain the subdivision number assigned by the City and the parcel map;
 - A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to community development.
 - The following language shall be included in the Owner’s Statement section of the Parcel Map: “This subdivision is an Urban Lot Split pursuant to Government Code 66411.7/SB 9 (2021).”
- Parcel Map:
 - Location of existing property lines and boundaries of existing easements within the subdivision, with the names of the owners of record, of easements, exclusions, and the properties abutting the subdivision,

- Each lot shall be identified by: (a) lot number, beginning with number "1" or (b) lot letters, beginning with letter "A". Numbers or letters shall be consecutive with no omissions or duplications.
- The area of each lot on the parcel map. Lot size and dimensions shall conform to the requirements of SB 9 and all applicable City standards (e.g., lot width, lot depth, etc.).
- The locations of all proposed easements for drainage and utility access.
- North arrow, scales for maps and contour interval.
- Boundary lines or existing land use zones shall be delineated.
- Closure Calculations
 - Provide closure calculations of existing parcel and proposed parcels.

After Parcel Map approval by City Council, the applicant shall plot the Parcel Map on mylar printed on the front (right-read) for signatures. The size of each sheet shall be 18 by 26 inches with a blank margin of one inch around each sheet. After the parcel map document has been signed by all parties, the applicant will take the mylar and related documents to the County for recording.