

Senate Bill (SB9) Project



Belmont Permit Center - Application Checklist

Page 1 of 5

Address: _____

Date: _____

Project: _____

	<u>Required</u> (by City)	<u>Submitted</u> (by applicant)	
<u>Applications,</u>	☒	☐	SB9 Eligibility Checklist
<u>Affidavits &</u>	☒	☐	Checklist & Signed Permit Applications
<u>Agreements</u>	☒	☐	Environmental Information Form & Mitigation Measure Agreement
	☒	☐	Affidavit of future Owner Occupancy (for lot split)
	☒	☐	Ellis Act / Rental Declaration & Evidence of owner occupancy or vacancy for three years
<u>Entitlement</u>	☒	☐	Plans, Reports & Technical Data Required for Specific Entitlements, as applicable & identified below:
<u>Specific</u>			Parcel Map Supplemental Application
<u>Materials</u>			Hauling Permit
			Grading Permit Application
			Permanent Encroachment Permit
			Standard Details
			Tree Removal Permit
			Floodplain Development Permit

Address: _____

	<u>Required</u> (by City)	<u>Submitted</u> (by applicant)	
<u>Plans, Reports and Technical Documents Required for all SB 9 Project Applications</u> (Six copies - Existing & Proposed)	☒	☐	Site Plan
	☒	☐	Floor Plans
	☒	☐	Exterior Elevations
	☒	☐	Cross-sections
	☒	☐	Landscape Plans
	☒	☐	Property line survey
	☒	☐	Topographic survey map
	☒	☐	Tree Plan (for trees on/adjacent to sites)
	☒	☐	Grading plan
	☒	☐	Drainage plan
	☒	☐	Utility Plan
	☒	☐	Driveway plan & profile; Parking Plans, Maps & Information (distance to car share or transit, as applicable.
	☒	☐	Roof Plan (equipment & screening)
	☒	☐	Perspective Drawings
	☒	☐	Development Review Summary Table & Residential Design Criteria (as applicable) delineated on plans
	☒	☐	Sewer Lateral Certification / Video
	☒	☐	Frontage – Sidewalk Curb & Gutter
	☒	☐	Fire Sprinkler Plan
	☒	☐	Fire Access Plans (hydrant on plans)

Address: _____

	<u>Required</u> (by City)	<u>Submitted</u> (by applicant)	
Plans (continued)	☐	☐	Vegetation / Fire Management Plan (required in High Fire Hazard Areas)
	☒	☐	Subdivision Maps & Condominium Plans (as applicable)
<u>Technical Information</u> (three copies)	☒	☐	Calculations for cut and fill
	☐	☐	Geotechnical report
	☒	☐	Engineering geology report
	☒	☐	C-3 & C-6 Checklist
	☐	☐	Arborist report (trees on or adjacent to site)
	☐	☐	Biology Report
	☐	☐	Historical or Archaeological Report
	☒	☐	Utilities – Will-serve Letters
	☒	☐	Preliminary title report
	☐	☐	Exception requests to objective standards / Parking & supporting plans and materials (justifications)
<u>Fees / Deposits</u>	☒	☐	Application fees – Complex Project
	☒	☐	Environmental fee
	☒	☐	Legal Review fee
	☒	☐	Geologic Review Fee
	☐	☐	Consultant Peer Review Fee

Address: _____

	<u>Required</u> (by City)	<u>Submitted</u> (by applicant)	
<u>Miscellaneous</u>	☒	☐	Color and material samples (eight sets)
	☒	☐	Photographs (eight sets)
<u>Outside Agencies</u>			
MPWD	☒	☐	Water Efficient Landscape – approved plans and/or letter
Recology	☒	☐	Trash & Recycling – approved plans or letter for circulation and pick up
JARPA	☐	☐	Approved Joint Aquatic Resources Permit Application (JARPA) Permit or Letter

Tree Removal Permit

☐ I agree to implement one of following measures for the protection of nesting raptors as part of my application for a Tree Removal Permit application:

1) Avoidance: I will avoid removing trees during the active nesting period of raptors (February 1st – August 31st)

2) Buffer Zone: If it is not possible to schedule construction between August and February, then pre-construction surveys for nesting raptors will be conducted by a qualified biologist or ornithologist in order to ensure that no raptor nests will be disturbed during project implementation. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the biologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.

Required Signatures

A pre-application meeting is required for SB 9 Projects. At this meeting, required submittal items will be identified Planning Division and Public Works Staff will sign and date this application checklist at the Pre-application meeting. Please return this checklist with the application.

Staff Signatures:

Date:

Planning:

Public Works:

Applicant's Statement: As applicant for this project, I hereby certify that the materials listed as 'submitted' on this checklist are complete and accurate. If the City of Belmont determines that the materials are incomplete or inaccurate, I understand that the entire application may be deemed withdrawn and the application materials returned to me, with no further processing by the City.

Applicant's Name:

Date:

Applicant's Signature:



Belmont Permit Center

SB9 PROJECT APPLICATION

Application Number: _____

Date: _____

Definition: [Senate Bill 9 \(SB-9\)](#) requires *ministerial* approval of a housing development of two units in a single-family zone, the subdivision of a single-family parcel into two parcels, or both. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. An SB-9 project is a project that proposes a lot split, no more than two new units on a lot, or that proposes to add one new unit to one existing unit. This is a voluntary program that a project sponsor may elect to pursue, provided that certain eligibility criteria are met (see the SB-9 Eligibility Checklist for more information).

Project Overview:

Property Location:

Street Address:

, Belmont, CA 94002

Assessor Parcel Number(s):

Property Area (sg. ft.):

Nearest Cross Street:

Applicant Information:

Owner name:

Telephone No.:

Email Address

()

Owner Mailing Address, *if different from Site Address:*

Applicant Name, *if different from Property Owner:*

Telephone No.:

Email Address

()

Applicant Mailing Address:

Submittal Authorization:

Signature of Owner:

Date:

Signature of Applicant, *if different from Owner:*

Date:

For Office Use Only: Fee Amount: _____ Check Number: _____



Belmont Permit Center

SB-9 PROJECT APPLICATION

Project Description:

Type of SB9 Project:

- ☐ Lot Split (two vacant lots) ☐ Lot Split & Two Units / Lot ☐ Two Units – One Lot

Entitlements (Check all that apply)

- | | | |
|--|--|---|
| ☐ Tentative Parcel Map | ☐ Condominium Plan | ☐ Design Review |
| ☐ Detailed Development Plan | ☐ Grading Plan / Permit | ☐ Objective Standard Exception |
| ☐ Tree Removal Permit | ☐ Hauling Permit | ☐ Major Encroachment Permit |
| ☐ Certificate of Compliance | ☐ Final Parcel Map | ☐ Floodplain Management Permit |

SB9 Standards & Allowances

In addition to the prerequisites identified on the Eligibility Checklist, SB9 identifies the following required standards and minimum allowances:

Lot Split/Lot Creation

The lot to be split cannot have been established through a prior SB 9 lot split by either the lot owner nor anyone acting “in concert with” the lot owner.

Lot Size/Lot Split

The parcel must be at least 2,400 square feet. The new resulting lot cannot be less than 40% or more than 60% of the original lot size, and both newly created parcels must be at least 1,200 square feet.

Owner Occupancy – Lot Split

The applicant must live in one of the units for three years, unless the applicant is a qualified non-profit or community land trust; the applicant must sign an affidavit under penalty of perjury that they intend to live in one of the units.

Setbacks

The City cannot impose a rear or side setback greater than four feet, or less if a proposed structure is in the same location and with the same dimensions as an existing structure.

Floor Area

Under SB9 each residential unit is allowed to be at least 800 square feet in gross floor area.

Parking

The City may require up to one parking space per residential unit; however, the City cannot require parking if the project site is located within: a) one-half mile of a high-quality transit corridor, or major transit stop; or b) one block of an established car-share site.

Attachment & Sale of Units

The residential units may be attached or detached; however, the units must meet applicable building and fire codes, and must be able to be sold or “conveyed” separately (i.e., built to condominium or townhouse standards).

Property Uses & Rentals

The resulting lots can only be used for residential uses. None of the dwelling units may be used for short-term rentals (i.e., rentals for a period of 30 days or less).



Belmont Permit Center

SB-9 PROJECT APPLICATION

Project Description (continued):

Objective Standards

The project must meet all applicable objective development standards of the Belmont Zoning Ordinance, Subdivision Ordinance, and City Code at the time of SB-9 application submittal. Objective standards require no personal or subjective (discretionary) judgment. Links to sections with relevant objective standards and clarifications for SB-9 applicability is provided in Attachment A.

Exception Requests

Exceptions to objective standards may be approved when an applicant can demonstrate that implementation of the particular standards would physically prevent the construction of up to two units, or would physically prevent either of the two units from being at least 800 square feet in floor area.

List any requested exceptions to objective standards below. Attach a narrative explaining the need for any exceptions, and include supporting documentation (plans, reports, etc.) with the justification for each requested exception.

Development Review Summary

Lot Splits

	Existing	Lot 1	Lot 2
Lot Area (sq. ft.) ¹			
Lot Area (%) ²	N/A		
Average Lot Width			
Average Lot Depth			
Average Lot Slope ³			
Lot Slope ³			
Lot Frontage			

¹ Minimum lot area for a SB-9 lot split is 2,400 sq. ft., and each lot must be at least 1,200 sq. ft. in lot area.

² Percentage of area of existing lot; the new resulting lot cannot be less than 40% or more than 60% of the original lot size. ³ Lot Slope (rise/run) is used for developed lots; average lot slope is used for vacant lots.

Lot -1 Dwelling Units

Development Criteria	Unit 1	Unit 2	ADUs & JADUs
Total Gross Floor Area (sq. ft.)			
Floor Area Ratio			
Building Height (from finished grade)			
<u>Setbacks</u>			
• Front			
• Rear ¹			
• Left Side ¹			
• Right Side ¹			
<u>Parking & Access</u> ²			
• Covered Spaces			
• Uncovered Spaces			
• Configuration (Side by Side or Tandem)			
• Driveway (Length x Width)			
¹ Minimum rear or side setback is four feet, or less if a proposed structure is in the same location and with the same dimensions as an existing structure. ² One covered, garage parking space per residential unit is required; however, no parking is required if the applicant can demonstrate that the project site is located within: a) one-half mile of a high-quality transit corridor, or major transit stop; or b) one block of an established car-share site.			

Residential Design Criteria (RDC)

BZO Section 4.2.11 (New Construction) – New homes and additions must comply with the Residential Design Criteria if the new construction: (a) ground floor plate height exceeds 12 feet and roof height exceeds 18 feet (as measured from finished grade), or (b) creates or expands an upper floor (see Attachment A.) Projects within the scope of the RDC must employ one or more RDC Standards (daylight planes, prescribed articulation, and second story step-backs) to address building bulk.

Lot 1- RDC

RDC Standards Employed ¹	Unit 1	Unit 2
(Daylight planes, prescribed articulation, and/or second story step-backs)		
• Front		
• Rear		
• Left Side		
• Right Side		
¹ RDC Standards must be delineated on project plans.		

Lot -2 Dwelling Units

Development Criteria	Unit 1	Unit 2	ADUs & JADUs
Total Gross Floor Area (sq. ft.)			
Floor Area Ratio			
Building Height (from finished grade)			
<u>Setbacks</u>			
• Front			
• Rear ¹			
• Left Side ¹			
• Right Side ¹			
<u>Parking & Access</u> ²			
• Covered Spaces			
• Uncovered Spaces			
• Configuration (Side by Side or Tandem)			
• Driveway (Length x Width)			
¹ Minimum rear or side setback is four feet, or less if a proposed structure is in the same location and with the same dimensions as an existing structure. ² One covered, garage parking space per residential unit is required; however, no parking is required if the applicant can demonstrate that the project site is located within: a) one-half mile of a high-quality transit corridor, or major transit stop; or b) one block of an established car-share site.			

Lot 2 RDC

RDC Standards Employed ¹	Unit 1	Unit 2
(Daylight planes, prescribed articulation, and/or second story step-backs)		
• Front		
• Rear		
• Left Side		
• Right Side		
¹ RDC Standards must be delineated on project plans.		

Easements

Does the project site contain any recorded easement, such as a conservation easement or easements for storm drains, water lines, and other public rights of way?

Yes	No

If “YES”, please describe (all easements shall be delineated on the site plan).

Natural Hazards

Does the site contain any of the following hazards? If yes, please explain below. Note: Projects in High Fire Hazard Areas require adherence to City-adopted mitigation measures, including the submittal and approval of a Vegetation/Fire Management Plan, and construction of structures with ignition-resistant surfaces in accordance with Section 7A of the California Building Code. Projects in flood plains may require approval of a [Floodplain Development Permit](#)

+ Location	Yes	No
A very high or high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection. Belmont Fire Hazard Map Fire Hazard Severity Zones Maps (ca.gov)		
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. https://msc.fema.gov/portal/home		
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, and by any local building department. https://www.conservation.ca.gov/cgs/alquist-priolo		

If “YES”, please describe:

Historic Resources

To be eligible for SB-9, you indicated that the project site does not contain historic resources and is not within a historic district. Indicate the basis for your Historic Resources determination in the table below. Attach any relevant documentation.

Basis for Determination	Yes	No
Existing building(s) less than 45 years old		
Preparation of a site-specific Historic Resource Evaluation (HRE)		
Review of local, state and federal lists and inventories: • National Register of Historic Places • California Historical Resources Information System (CHRIS). • California Historical Landmarks • California Points of Historical Interest • California Register of Historical Resources • San Mateo County Historical Museum • Belmont General Plan – Chapter 4.4: Cultural Resources • Belmont - Cultural Resources Inventory		

Biological Resources

To be eligible for SB-9, you indicated that the project site does not contain wetlands, or protected species habitat.¹ Indicate the basis for your determination in the table below. Attach any relevant documentation.

Basis for Determination	Yes	No
The project site does not contain, and is not within 300 feet of any permanent or seasonal wetlands. Link: United States Fish and Wildlife Service Manual		
Preparation of a site-specific Biological Report		
Arborist Report & Tree Inventory		
Project site location and condition (Attach - Maps & Pictures)		
Review of local, state and federal lists and inventories (Attach or Provide Link)		

If yes, please describe below; attach any relevant documentation:

¹ Project sites that are adjacent to open space, conservation easements, and wildlife corridors are more likely to contain wetlands, or protected species habitat. As such, projects on these sites may require submittal of a site-specific Biological Report

Demolition & Reconstruction

Will the project include demolition of the exterior walls of an existing residential structure? If yes, please describe below, and include the percentage of the residential structure that would be demolished.

Yes	No

Pre-Application Occupancy

Has the site either been vacant or owner-occupied for the three years prior to application submittal? If no, please provide evidence such as: property tax records, income tax records, utility bills, vehicle registration or similar documentation.

Yes	No

Ellis Act Evictions

Have any Ellis Act evictions occurred for any existing housing on site in the fifteen years prior to submittal of the application? If yes, please describe below.

Yes	No

Future Owner Occupancy

For lot splits: Has an affidavit, signed by the owner, been submitted stating their intent to live at the subject property for three years following approval of application been submitted? This affidavit is included as Attachment B.

Yes	No



Belmont Permit Center SUBMITTAL REQUIREMENTS

Applications – All applications are to be filled out in ink, not pencil. Copies of all application forms are available in the Belmont Permit Center or on-line at www.belmont.org.

- ☐ **Application Checklists** – The checklist indicates that all required materials are provided in the application packet, including a statement that the property owner is aware that an incomplete application may be rejected by the City.
- ☐ **Permit Application** – Provide all information regarding property, including a complete description of existing and proposed development and uses. The Permit Application must be signed in original by the property owner.
- ☐ **Supplemental Application** – All required findings shown in the Supplemental Application must have a response provided.
- ☐ **Neighborhood Outreach Strategy** – The Neighborhood Outreach Strategy shall be completed prior to the public hearing. Please refer to the Neighborhood Outreach Strategy Packet available online or in the Permit Center. The Community Development Department shall provide each applicant with the necessary noticing information to complete this task.

Plans – All information on the plans will be dimensioned and shown to scale. The scale will not be less than 1/10 inch = 1 foot, nor greater than 1/4 inch = 1 foot. Six sets of collated and stapled plans will be submitted, **folded to approximately 10 x 14 inches.** ***You may fold your plans at our counter. Rolled or unfolded plans will not be accepted. Rolled or unfolded plans received by mail will be returned and the application shall be considered unsubmitted.***

*A total of **Eight (8) complete plan sets and One (1) reduced set** will be required 30 days prior to Planning Commission review. Please coordinate with your assigned project planner.*

The following information must be included in order for an application to be accepted as being complete:

- ☐ **Site Plan** – The site plan will show property lines, adjacent streets, sidewalks, curbs, public and private rights-of-way, easements, existing and proposed structures, existing and proposed setbacks, paved areas and parking spaces, emergency vehicle access and location of fire hydrants.
- ☐ **Floor Plan** – The floor plans will show exterior wall dimensions, the proposed uses of each room, and all permanent fixtures. The plans will also indicate the total square footage of each floor, existing and proposed.

- ❑ **Exterior Elevations** – The elevations will show the height from finished grade to the uppermost portion of the roof, both existing and proposed. Exterior architectural features will be indicated, including dimensioned window sizes and roofing materials.
- ❑ **Cross-sections** – The cross-sections shall indicate the cross-slopes, both existing and proposed (after grading) and the building cross-sections, including foundations. **Two or more cross-sections may be necessary to adequately describe the project.**
- ❑ **Landscape Plan (New Landscape Proposed)** – The landscape plan will show all proposed plant materials, including species (with both scientific and common name), size and location. Irrigation plans will be included on the same or separate sheet and will indicate all fixtures and control boxes. In addition to the planting pallet information for common and scientific name include columns for California native, drought-tolerance, deer resistance, growth rate, and size/spread at maturity.
- ❑ **Landscape Plan (No Landscaping Proposed)** – Identify existing landscaping on plans and include size and species information. Indicate existing or proposed irrigation, and provide pictures of existing landscaping.
- ❑ **Tree Plan** – The tree plan will indicate the location and species of all trees on the site. The size of each tree (trunk diameter measured 4 ½ feet above natural grade) shall be indicated. Any trees to be removed shall be so indicated.
- ❑ **Property line survey** – A survey of the property must be prepared by a licensed survey or civil engineer. One copy must include a valid ‘wet’ stamp.
- ❑ **Contour / Topographic survey map** – A contour map will indicate the site’s elevation contours, and may be required to be a topographic survey of the property, prepared by a licensed surveyor or civil engineer. One copy of the survey must include a valid ‘wet’ stamp. The contours shall be no greater than five (5) foot intervals.
- ❑ **Grading Plan*** – The grading plan will indicate the existing and proposed grades, all cut and fill areas, existing and proposed drainage, and plans for erosion control during and after grading. The plan must be prepared and signed by a California registered civil engineer. If a grading plan is required, see the “Grading Plan Submittal Requirements” sheet for additional information.
- ❑ **Drainage Plan*** – The drainage plan will indicate existing and proposed grades, existing and proposed drainage improvements, all trees and their drip lines. The plan must be prepared and signed by a California registered civil engineer. If a drainage plan is required, see the “Drainage Plan Submittal Requirements” sheet for additional information.

** Note: The Grading and Drainage Plan(s) shall provide location of trees, and existing/proposed utility lines. Indicate the extent of grading limits (daylights) and all drainage facilities including roof leaders. For new homes and additions outside the existing footprint of the home, provide grading estimates (cut, fill, off-haul, import) and a grading breakdown table. Include columns for each feature (i.e., driveway access, foundations, utilities, etc.)*

- ❑ **Fire Sprinkler Plan** – The fire sprinkler plan will indicate the proposed automatic fire sprinkler system, including hydraulic calculations and specifications, in accordance with the requirements of NFPA standard 13-D, as amended by the South County Fire Authority. All plans shall be prepared by a California licensed fire sprinkler contractor, or a fire protection engineer.
- ❑ **Driveway plan and profile** – The driveway plan and profile will indicate the proposed driveway alignment, dimensions, grades and directions of cross slopes. Profiles will indicate both left and right edge where cross slopes vary. Data will be provided to support structural sections.
- ❑ **Preliminary Construction Management Plan (For substantial additions and new homes)** – The plans shall include estimated time of construction (grading, tree removal, foundation work, etc.), proposed haul route, and staging area.

Technical Information – The following information is required to evaluate specific project issues, based on site conditions or Municipal Code requirements.

- ❑ **Development Summary Table** – The plans shall include a Development Summary Table on the first page that includes existing and proposed floor area, Slope %, and setback averaging analysis.
- ❑ **Calculations for Estimated Cut and Fill** – The cut and fill calculations will include the number of cubic yards proposed to be removed for grading, retaining walls and structural foundations, regardless of whether the amount cut will be exported or used as fill on the site. Separate calculations will identify the cubic yards to be used as fill, including any cut or imported materials.
- ❑ **Hardscape Table** – Identify all existing and proposed hardscape in a table format. Note the hardscape associated with each feature (i.e., driveway, patio, footprint of home, etc.) and hardscape totals. Indicate whether existing/proposed hardscape would include pervious concrete, and/or pavers over a pervious substrate
- ❑ **Geotechnical and Engineering Geology Report** – The *geotechnical report* will indicate subsurface exploration and testing; analysis of groundwater levels, proposed fill or amendment activities, active faults; professional conclusions and recommendations; and specifications for all grading. The *engineering geology report* will indicate regional geologic setting; analysis of geologic formations, active and dormant landslides, hillslope and stream processes, geologic hazards; professional conclusions and recommendations, and statements regarding project suitability. If geotechnical and engineering geology reports are required, see the “Standards for Geotechnical and Engineering Geology Reports” sheet for additional information.
- ❑ **Arborist Report** – The arborist report will identify the condition and recommended disposition of all trees on the site. The report shall be prepared by a certified arborist.
- ❑ **Preliminary Title Report** – A preliminary title report shall be prepared by a title company under the laws of the State of California. The report may be no more than six months old from the date of the application filing.

Miscellaneous

- ☐ **Color and Material Samples** – Eight sets of the color and materials ‘board’ will be provided on paper media, not to exceed 8 ½ x 14 inches. Photographs and paint chips shall be accurate representations of the proposed colors and materials. Actual material samples – roof tiles, brick veneer, stucco pieces, etc. – are not accepted.
- ☐ **Photographs of Property** – Eight sets of photographs will be provided, depicting the front of the property, the immediate project area and adjacent structures. Photos will be mounted and labeled on 8 ½ x 11-inch paper. Color copies are accepted.

Fees – The fees will be calculated in accordance with the latest Belmont Fee Resolution. Fees may be paid by check or credit card at the Belmont Permit Center.

- ☐ **Application Fee**
- ☐ **Environmental Fee**
- ☐ **Tree Removal Fee**
- ☐ **Geologic Review Fee**
- ☐ **Other**



PROPERTY OWNER DECLARATION

Application No.: _____
(Office Use)

Site Address: _____

Project Description: _____

Property Owner Name: _____

I. OWNERSHIP

I hereby declare that I am the owner of the property involved in this application.

(Owner's Initials)

II. FLOOR AREA

I hereby declare the project site has either been vacant or owner-occupied for the three years prior to application submittal.

(Owner's Initials)

III. PROOF OF OCCUPANCY

I hereby declare that I have: 1) provided evidence to support this declaration such as: property tax records, income tax records, utility bills, vehicle registration or similar documentation; and 2) redacted personal information (e.g., social security numbers, bank account numbers, driver license numbers, etc.) from the submitted evidence prior to their submittal, as this information will become part of the public record for the project.

(Owner's Initials)

IV. ACCURACY OF INFORMATION

I hereby acknowledge that all statements, responses and information submitted in support of this application are true and correct to the best of my knowledge and belief. I further acknowledge that if it is determined that any information related to the project description, specifications, or dimensions; proposed use; or other aspects of the project is false or inaccurate for any reason, the City of Belmont may deem the application invalid or incomplete, at its own discretion.

Property Owner's Signature

Date



SB-9 Applications Objective Standards

Objective Standards

Overview

SB-9 Projects must meet all applicable objective Zoning, Design Review, and Subdivision standards at the time of application submittal.¹ Generally, **all** objective standards will be applied to an SB-9 Project, unless: 1) SB-9 specifically precludes the use of the standard or prescribes an alternative standard; or 2) an applicant can demonstrate that implementation of the particular standards would physically prevent the construction of up to two units, or would physically prevent either of the two units from being at least 800 square feet in floor area. Links to the sections containing relevant objective standards are provided in the following tables. Clarifications are also provided regarding the applicability of some of the objective standards under SB-9 (this is not an exhaustive list, and it is the responsibility of the applicant to demonstrate when an exception is needed for compliance with SB-9).

Objective Standards –Subdivision Ordinance	
Subdivision Ordinance	
Sections/Subjects:	Clarifications:
Section III - Residential Subdivisions	- Per SB-9 - The existing parcel must be at least 2,400 square feet. The new resulting lot cannot be less than 40% or more than 60% of the original lot size, and both newly created parcels must be at least 1,200 square feet. - Average lot width and depth standards must be applied when the resulting lots are large enough to meet those standards.
Section IV – Design Standards	- Street Design Standards must be applied for projects that propose street improvements, or require the continuation of streets or emergency access turnarounds. - Lot design and frontage standards must be applied unless they preclude a lot split, or the SB-9 project includes two units on an existing lot that is non-conforming as it relates to frontage standards.
Section V – Dedications & Improvements	Off-site improvements and dedications are not required under SB-9; however, any proposed improvements, improvements necessary to serve the project, and on-site improvements must meet City standards. Payment of In-lieu parkland dedication fees, and other development impact fees are also required.

¹ Objective standards require no personal or subjective (discretionary) judgment by a public official, and are uniformly verifiable by reference to an external benchmark or criterion available and knowable by both the development applicant or proponent and the public official, prior to submittal.

Objective Standards Zoning Ordinance

[Residential](#)
[General Regulations](#)
[Single Family Development Standards](#)
[Residential Design Criteria](#)
[Special Combining Districts](#)

Sections/Subjects:	Clarifications:
Residential Section 4.2.1 & 4.2.2 (Permitted and Conditional Uses)	Residential uses only; any units constructed on a parcel created through via SB 9 must be used for residential purposes, and cannot be used for short-term rentals of less than 30 days.
- Residential Section 4.2.3 - Single Family Development Standards - Special Combining Districts	- Zoning Ordinance standards related to lot size and the number of main residential units are not applicable for SB-9 applications. - Frontage, and average lot width and depth standards must be applied when the resulting lots are large enough to meet those standards. - Under SB-9 each residential unit is allowed to be at least 800 square feet in gross floor area. Residential development beyond SB-9 floor area allowance must meet the floor area maximums based on lot size and slope, as provided in BZO Section 4.2.3. - Residential structures with legal non-conforming development standards do not require correction under SB-9. Existing homes can be converted to duplexes in the same location and to the same dimensions. New structures and additions must conform to current development standards, except under SB-9 the City cannot impose a side or rear yard setback greater than four feet.
Section 4.2.12 – New Construction (this section establishes criteria for the regulation of building bulk)	- The Residential Design Criteria (RDC) is a companion document to the Zoning Ordinance that provides objective, measurable, or quantifiable criteria (standards) for the regulation of building bulk for single-family residential development. The RDC allows applicants to choose from three standards to mitigate for building bulk on each affected elevation: daylight planes, prescribed articulation, and second story step-backs. - New homes and additions must comply with the RDC if the new construction: (a) ground floor plate height exceeds 12 feet and roof height exceeds 18 feet (as measured from finished grade), or (b) creates or expands an upper floor. SB-9 Projects must comply with Residential Design Criteria (RDC), as applicable.
Section 9 – General Regulations (Lots of Record & Access)	- Section 9.3 (<i>Lots of Record</i>) is not applicable for SB-9 applications. - Per Section 9.4, no building shall be constructed or erected upon any lot unless the lot abuts upon a public street, or upon a lot having a permanent access easement to a public street, which was of record prior to the effective date of the Ordinance. This section also includes dimensional frontage requirements to be considered to abut the street; however, exceptions to the recordation date of the easement, and to the frontage standards of this section may be approved if these standards would preclude construction of two units of 800 sq. ft.

Objective Standards – Zoning Ordinance (continued)	
General Regulations Parking Regulations	
Sections/Subjects:	Clarifications:
Section 9 – Section 9.6 Nonconforming Uses & Structures	• Under SB-9, single-family residential building with legal nonconforming setbacks and height may be converted to duplex structures. In addition, while building additions to single family homes must comply with current front setback and height requirements, new building walls may extend along a legal non-conforming side and rear yard setback lines, if the wall maintains no less than a four-foot side and rear yard setback.
Section 9 – Section 9.7 Yard & Setback Requirements / Exceptions	• Buildings constructed with four-foot side and rear yard setbacks under SB-9, may not encroach further into setbacks except: a) Cornices, canopies, eaves or other projections which do not increase the volume of space enclosed by the building; provided, however, that none of these shall project into any required yard more than 30 inches; and b) Unroofed exterior stairs, landings and decks of open design which project 30 inches or less in height from finished grade.
Section 8 – Parking	• SB-9 limits the City to requiring one parking space per residential unit, but does not prescribe the type of unit (covered, uncovered, etc.). Consistent with the type of parking required for other residential projects, the City requires one covered, garage space per residential units for SB-9 Projects; however, the City cannot require parking if the applicant can demonstrate the project site is located within: a) one-half mile of a high-quality transit corridor, or major transit stop; or b) one block of an established car-share site (see parking exceptions notes below table). • All other objective provisions of the parking chapter apply to SB-9 Projects.

Parking Exceptions

- The definitions for a high-quality transit corridor, and major transit stop are provided below. Applicants can demonstrate that their project site is within ½ mile distance of these facilities by submitting route schedules, and a map showing scaled or dimensioned distances from the subject property to the facilities using a path of travel via the public right-of-way (i.e., streets, sidewalks, and established public trails systems).
- A Car share site is defined below. Applicants can demonstrate that their project site is within ½ mile distance of these facilities by submitting website or printed information on the car share facility, and a map showing scaled or dimensioned distances from the subject property to the facilities using a path of travel via the public right-of-way (i.e., streets, sidewalks, and established public trails systems).

Definitions

- Public Resource Code Section 21155: For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. El Camino Real is considered a high-quality transit corridor.

- Public Resource Code Section 21064.3: A “Major Transit Stop” means a site containing any of the following:
 - (a) An existing rail or bus rapid transit station.
 - (b) A ferry terminal served by either a bus or rail transit service.
 - (c) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

The Belmont CalTrain Station is considered a Major Transit Stop.

- Car-sharing or car sharing or car clubs is a model of car rental where people rent cars for short periods of time, often by the hour. It differs from traditional car rental in that the owners of the cars are often private individuals themselves, and the carsharing facilitator is generally distinct from the car owner. Examples include [*Enterprise Car Share*](#) and [*Zipcar*](#)



Affidavit of Intent to Owner Occupy (SB-9 Lot Split)

1. On _____, I submitted an application to the City of Belmont for a parcel map for Urban Lot Split to subdivide the real property located at _____, Belmont, California, which is also identified as San Mateo County Assessor's Parcel Number(s) _____, and further described in Exhibit "A" attached hereto and incorporated by reference (hereinafter "the Property"), pursuant to the procedures outlined in Government Code Section 66411.7.
2. I intend to occupy, as my principal residence one of the dwelling units located on the Property for a period of no less than three (3) years from the date of approval of the parcel map.
3. I understand and agree that the Community Development Department of the City of Belmont ("Department") may take such action as it deems necessary to verify both the accuracy and veracity of this declaration. I further authorize any person or entity contacted by the Department in the course of such verification to release such pertinent information as the Department seeks.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and that this affidavit was executed on the ____ of _____, 20____, at _____, California.

Signature

Printed Name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the veracity, accuracy, or validity of that document.

On _____, before me, _____, Notary Public, personally appeared _____, who provide to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subjected to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) executed the instrument.

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



Witness my hand and official seal.

Signature _____



Senate Bill 9 Applications Frequently Asked Questions (FAQs)

DISCLAIMER: *This document is intended to provide general information and does not constitute legal advice. Additional facts, facts specific to a particular situation, or future developments may affect the subjects discussed in this FAQ. Seek the advice of your attorney before acting or relying upon the following information.*

BASICS

1. What is Senate Bill 9 (SB-9)?

[Senate Bill 9 \(SB-9\)](#) is a recent state law that became effective on January 1, 2022. The law requires *ministerial* approval of a housing development of two units in a single-family zone, the subdivision of a single-family parcel into two parcels, or both. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out (see attached overview of SB-9 for more information).

2. What is the definition of an urbanized area or urban cluster?

As defined by the U.S. Census Bureau, an urbanized area is an area with 50,000 or more persons, and an urban cluster is an area with at least 2,500 people, but less than 50,000 people. Maps of urbanized areas and urban clusters can be found on the official U.S. Census Bureau website.

3. Can you use SB 9 in zones that allow single-family development but are zoned primarily for multi-family or mixed-use development?

No. The language of the statute is clear that it applies only to parcels in single-family residential zones. Since the intent of the legislation was to upzone or densify areas where only single-family development is currently permitted, it would not serve the purposes of the legislation for it to apply in areas where multi-family or denser uses are already permitted. SB 9 also does not apply to a parcel that is currently developed with a single-family home, if that parcel is located in anything other than a single-family residential zone.

4. Does SB 9 apply to homeowners' associations (HOAs)?

SB 9 overrides local zoning only. It does not address rules or restrictions implemented and adopted by homeowners' associations or included in CC&Rs (covenants, conditions, and restrictions).

5. Is a lot eligible for an SB 9 lot split if it was split before SB 9?

Yes. The language of SB 9 only prohibits an applicant from using SB 9 to subdivide a lot if it was previously split *using the authority contained in SB 9*. Even after using SB 9, the lot could be further split using ordinary procedures under the



Senate Bill 9 Applications Frequently Asked Questions (FAQs)

Subdivision Map Act and local subdivision ordinance subject to minimum lot size and other requirements that apply to the parcel.

6. Is the restriction on the demolition of 25% of the exterior walls of the building only applicable to deed-restricted affordable units?

No. This restriction applies to all units unless (1) the city adopts an ordinance allowing for demolition of more than 25% of the exterior walls of an existing structure, or (2) a tenant has not resided on the property in the last three (3) years.

7. How do you verify that existing housing has not been rented in the last 3 years?

Belmont requires that the property owner sign a declaration under penalty of perjury, and provide evidence of vacancy or owner occupancy for three years prior to the application (taxes, registrations, etc.), as part of the application process.

8. How does the state Density Bonus Law apply to the 4-unit scenario?

State Density Bonus Law would not be applicable to SB 9 projects. Government Code § 65915(i) defines "housing development project," for the purposes of state density bonus, as "a development project for five or more residential units." SB 9 covers up to four units total on two contiguous lots. Additionally, the urban lot split section states specifically that local agencies are not required to allow more than the maximum of two units on each lot notwithstanding any provision of density bonus law.

9. How do SB 9 urban lot splits relate to the Subdivision Map Act and the fact that the Subdivision Map Act requires general plan conformance?

The language in SB 9 overrides any conflicting provisions of the Subdivision Map Act. Specifically, Government Code § 66411.7(b)(2) provides that "[a] local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act..., except as otherwise expressly provided in this section." General Plan and specific plan conformance is not required if it would preclude lot splits mandated by SB9.

10. Do minimum frontage requirements apply to restrict lot subdivision?

Minimum frontage requirements continue to apply unless the requirements would physically preclude the lot split or the construction of two units of at least 800 square feet each.

11. Does SB 9 prohibit ADUs with an urban lot split, or can jurisdictions disallow ADUs with an urban lot split?

SB 9 does not prohibit accessory dwelling units or junior accessory dwelling units on lots



Senate Bill 9 Applications Frequently Asked Questions (FAQs)

created by an urban lot split. Under SB9 a local agency "shall not be required to approve" more than two units (including ADUs and JADUs) on a lot created via an SB 9 lot split. Agencies may also prohibit ADUs and JADUs on parcels created by urban lot splits that use the two-unit provision. Given this language, local agencies could choose to limit development on lots created by an urban lot split to two primary units each via adoption of an SB 9 implementing ordinance.

12. Are the two new SB 9 units entitled to an ADU or JADU?

If the two new SB 9 units are not located on a lot created via the urban lot split provision, then ADUs and JADUs are allowed as under existing law. If the applicant used both the SB 9 lot split provisions and the SB 9 two-unit development provisions, then a local ordinance can limit total development to two units per lot, including ADUs and JADUs, or could choose to allow only two primary units on each lot.

13. If there is an existing four-unit building on a parcel in a single-family residential zone, can an applicant still add a duplex?

The existing four-unit building would already be a non-conforming use in a single-family zone. Depending on the jurisdiction's non-conforming use policies, the non-conforming structure may need to be removed if the applicant wishes to add a duplex. However, the urban lot split provision (section 66411.7(i)) prohibits requiring correction of nonconforming zoning conditions for urban lot splits. Nonetheless, the agency can require that no more than two units be located on each lot.

14. Are the new units created via the authority in SB 9 condominiums? Does SB 9 facilitate ministerial condominium conversions? Does SB 9 allow for condominium conversion of existing duplexes?

SB9 does not amend laws regarding condominiums. SB9 does not allow denial of attached units so long as their design and construction allow them to be "separately conveyed," i.e., sold separately as condominiums may be sold. New units created via the authority in SB 9 may be approved as condominiums if the applicant asks for that approval, but the application would need to meet state and local law concerning condominiums. A jurisdiction's regular condominium conversion process would also continue to apply.

15. Can the applicant seek variances from zoning requirements?

SB 9 provides that a local agency may apply its objective zoning standards so long as they do not physically preclude the construction of two units of at least 800 square feet each. In that situation, the applicant does not need to apply for a variance.

However, if the applicant desires to construct a larger unit which does not meet the



Senate Bill 9 Applications Frequently Asked Questions (FAQs)

agency's zoning standards, it could be denied under SB 9, or the applicant could apply for a variance.

16. My understanding is that SB 330 requires only objective design standards for design standards adopted after Jan 1, 2020, is this the same for SB 9?

SB 330 would apply to an SB 9 implementing ordinance, so any design standards adopted must be objective.

17. For purposes of a duplex, can jurisdictions adopt an objective standard that says the units have to be within, for example, 10 feet of each other?

Yes, a city could adopt this as an objective standard. However, if the standard or requirement would physically preclude the construction of two units or the construction of a unit that is at least 800 square feet, then it cannot be applied to the specific project. Also note that section 66411.7(k) provides that an urban lots split "shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance."

18. Is there a street frontage or lot width requirement for ministerial lot splits?

SB 9 does not contain street frontage or lot width requirements. A local agency may apply an objective frontage or lot width requirement. It must, however, allow lot splits that create lots that are at least 1,200 square feet each where both lots are of approximately equal size. This likely means that the local agency may not be able to apply its minimum lot dimensions or frontage requirements to some urban lot splits.

19. Is the 4-foot setback provision similar to that for ADUs?

Yes. A local agency can always impose 4-foot rear and side setbacks, unless the structure is in the same location and with the same dimensions as an existing structure.

20. Does the right of way dedication provision require cities to allow for flag lots, provided they meet the 60-40 split?

The agency may require the parcel to have access to, provide access to, or adjoin a public right of way but must allow the lot split. Where a parcel does not front on a public right of way, the options are to allow a flag lot or to provide access to the public right-of-way via an easement through the other lot.

21. Could a jurisdiction define "sufficient to allow separate conveyance" to require separate HVAC systems and separate water connection to meet Title 24 requirements?

Yes. Title 24 is a state law requirement. Therefore, compliance can be mandated assuming that Title 24 requires separate HVAC systems and water connections for units



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that are separately conveyed.

22. If a jurisdiction doesn't require "dedications" but a property owner wants to put in some improvements in the right-of-way, could the jurisdiction require that those meet the jurisdiction's standards for right of way improvements?

If an applicant includes improvements to the public right of way in its SB 9 application, the jurisdiction can require that those improvements meet objective agency standards.

23. Does the requirement for one parking space/unit supersede other local minimum parking requirements? For example, if local parking standards require two covered spaces per residential unit and additional parking spaces tied to additional bedrooms.

Yes, SB 9 supersedes local standards. A local agency "may require" off-street parking of up to one space per unit, and "shall not impose" parking requirements where the parcel is located within one-half mile walking distance of either a high-quality transit corridor or major transit stop, or where there is a car share vehicle located within one block of the parcel.

24. Can a local jurisdiction impose conditions of approval on an SB 9 project?

A jurisdiction may impose standard objective conditions of approval on an SB 9 project.

25. Is it true that SB 9 cannot be used in high fire hazard severity zones?

No. SB 9 provides that any proposed two-unit development or urban lot split must comply with the requirements of Government Code § 65913.4(a)(6)(D), which excludes projects in high or very high fire hazard severity zones, *unless* either: (1) the site was excluded from the zone by the jurisdiction; or (2) the site has adopted fire hazard mitigation measures "pursuant to existing building standards or state fire mitigation measures applicable to the development." "Fire hazard mitigation measures" and "state fire mitigation measures" are not defined. A local ordinance could specify which "building standards" apply or reference the appropriate "state fire mitigation measures."

An agency may also reject SB 9 proposals on a case-by-case basis where the local building official makes a written finding that the project would have a specific, adverse impact on public health and safety or the physical environment, based on inconsistency with an objective standard, and there is no feasible method to satisfactorily mitigate or avoid the impact.

26. If a jurisdiction has substandard existing sewer infrastructure, can those areas of the jurisdiction be excluded from SB 9 applicability?

The local agency likely could not outright exclude those areas from SB 9 applicability.



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However, if projects are proposed in these areas, the local building official could deny the application if it would have a specific, adverse impact on public health and safety or the physical environment, by violating an existing objective standard, with no feasible method to satisfactorily mitigate or avoid the impact.

27. Can a jurisdiction prohibit someone from creating a new unit in an existing structure that would be below the Base Flood Elevation?

To qualify for ministerial approval, SB 9 provides that an applicant must comply with all the requirements in Government Code §§ 65913.4(a)(6)(B)-(K). Subparagraphs (G) and (H) exclude development within a flood plain or floodway, respectively, as those sites are determined by maps promulgated by FEMA. However, subparagraphs (G) and (H) also allow development in a flood plain where FEMA has issued a flood plain development permit or meet FEMA criteria and allow development in a floodway where a no-rise certification has been issued or the project otherwise meets FEMA criteria. If these mitigation requirements are met, then it may be possible for the new unit to be built below Base Flood Elevation. Agencies should refer to the text of the statute.

URBAN LOT SPLITS

28. Would the "sufficient to allow separate conveyance" provision allow someone to build an attached duplex but then sell them as two separate lots with their own yard?

"Sufficient to allow separate conveyance" is not defined in the statute. However, "separate conveyance" means that the units can be sold separately. This phrase would seem to require that each unit be built to condominium standards so that they can be sold separately if the local agency approves a condominium application.

29. Should agencies record a deed restriction stating that the lot has been split using SB9 and cannot be split further?

This is not specifically addressed by SB 9. Two possibilities are a recorded deed restriction and a notation on the approved parcel map. It would be good practice for local agencies to include such a requirement in their implementing ordinances.

SENATE BILL 9 (SB 9): AN OVERVIEW

WHAT IT IS AND HOW IT IMPACTS RESIDENTIAL LAND USE

Senate Bill 9 (SB 9) is a new California State Law taking effect **January 1, 2022**.

Similar to previous state legislation on Accessory Dwelling Units (ADUs), SB 9 overrides existing density limits in single-family zones. SB 9 is intended to support increased supply of starter, modestly priced homes by encouraging building of smaller houses on small lots.



SB 9 WAIVES DISCRETIONARY REVIEW AND PUBLIC HEARINGS FOR:

**BUILDING TWO HOMES
ON A PARCEL IN A SINGLE-FAMILY ZONE**



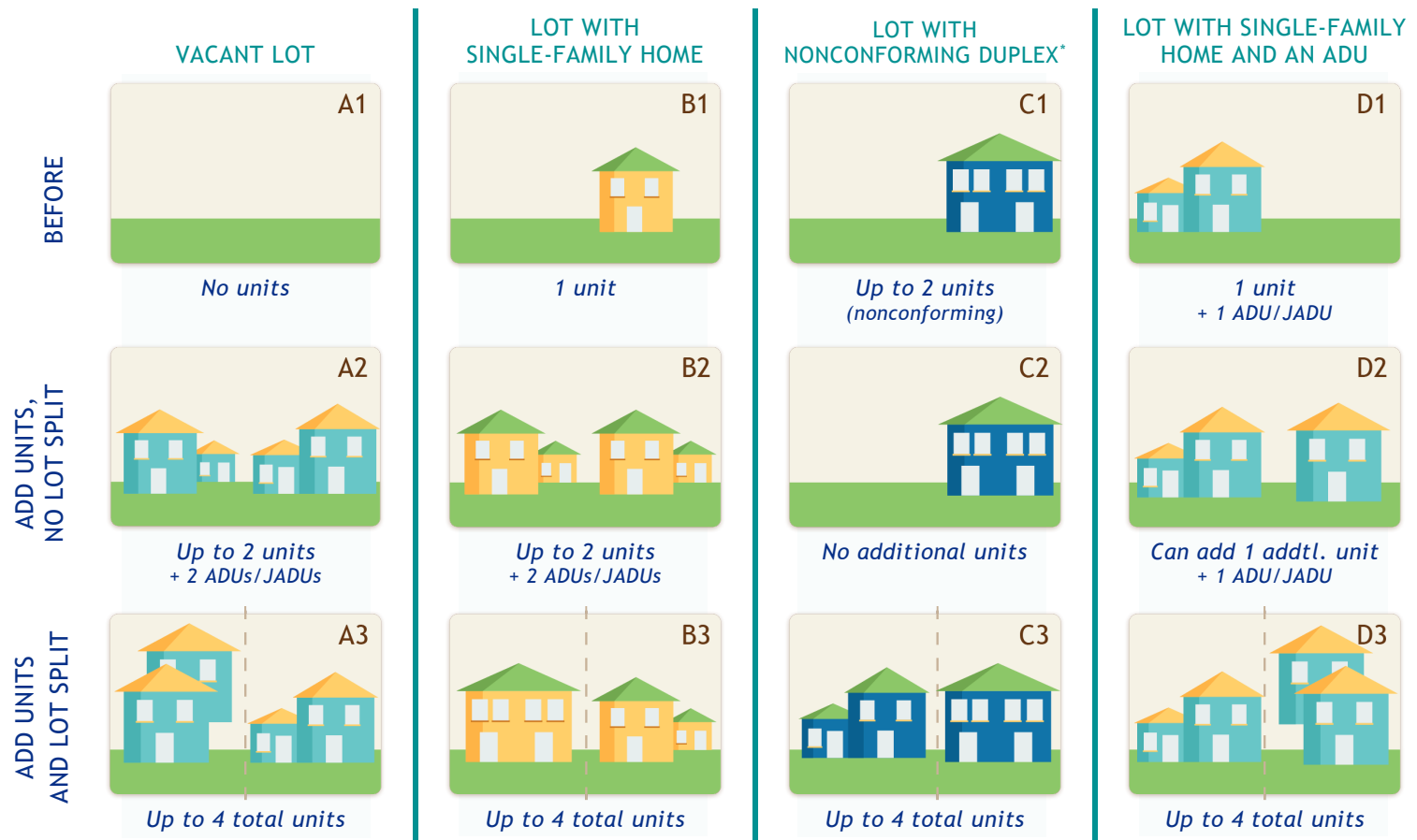
**SUBDIVIDING A LOT INTO TWO
THAT CAN BE SMALLER THAN REQUIRED MIN. SIZE**

Used together, this allows **4 HOMES** where 1 was allowed before.

SB 9 CAN BE USED TO: Add new homes to existing parcel • Divide existing house into multiple units • Divide parcel and add homes

WHAT IT CAN MEAN FOR DEVELOPMENT OF NEW HOMES

Illustrations are based on a preliminary analysis of the law. Details are subject to change and are for informational purposes only.



*Legally constructed but not currently permitted. Check your local ordinance for nonconforming use policies.

USING SB 9 WITHOUT A LOT SPLIT:

- Without a lot split, SB 9 does not limit the number of ADUs or JADUs (B2, D2) - but other laws might.
- SB 9 **could be interpreted** to allow 2 new units beyond an existing unit (up to 3 units/lot, plus any allowed ADUs/JADUs).

USING SB 9 WITH A LOT SPLIT:

- SB 9 does not require jurisdictions to approve more than 4 units total, including any ADUs/JADUs.



SINGLE-UNIT DEVELOPMENTS

SB 9 can be used to develop single units - but projects must comply with all SB 9 requirements.

DOES THE PROJECT QUALIFY?

2-UNIT DEVELOPMENTS AND LOT SPLITS

- Single-family lot (usually R-1)
- Located in an urbanized area or urban cluster¹
- Not in state/local historic district, not an historic landmark
- Meets requirements of SB35 subparagraphs (a)(6)(B)-(K)²:

PROPERTY CANNOT BE:

- Prime farmland or farmland of statewide importance (B)
- Wetlands (C)
- Identified for conservation or under conservation easement (I+K)
- Habitat for protected species (J)

PROPERTY CANNOT BE (UNLESS MEETING SPECIFIED REQUIREMENTS):

- Within a very high fire hazard safety zone (D)
- A hazardous waste site (E)
- Within a delineated earthquake fault zone (F)
- Within a 100-year floodplain or floodway (G+H)
- Project would not alter nor demolish:
 - Deed-restricted affordable housing
 - Rent-controlled housing
 - Housing on parcels with an Ellis Act eviction in last 15 yrs
 - Housing occupied by a tenant currently or in last 3 yrs³

Addtl. Qualifications for 2-UNIT DEVELOPMENTS

- Project does not remove more than 25% of exterior walls on a building that currently has a tenant or has had a tenant in the last 3 yrs *even if the rental unit itself isn't altered*

Addtl. Qualifications for LOT SPLITS

- Lot is split roughly in half - smaller lot is at least 40% of the original lot⁴
- Each new lot is at least 1,200ft² ^{5,6}
- Lot is not adjacent to another lot split by SB 9 by the same owner or "any person acting in concert with the owner"
- Lot was not created by a previous SB 9 split⁷

RELATIONSHIPS TO OTHER LAWS

CEQA Does not apply to 2-unit or lot split approvals or ordinances implementing 2-unit or lot split provisions

COASTAL ACT Applies, but no public hearings needed for duplex and lot split coastal development permits

HOUSING CRISIS ACT Local ordinances cannot impose restrictions that reduce the intensity of land use on housing sites (*including total building envelope, density, etc.*)

SB8 SB 9 projects are subject to Permit Streamlining Act deadlines

SB478 Does not apply to single-family zones

¹ Defined by the Census Bureau

² See Section 65913.4(a)(6) Exclusions for full details and definitions

³ Lot can split, then new units added to the lot w/o the Ellis-affected building

⁴ Each lot can be smaller than required minimum lot size

⁵ This number can be lowered by local ordinance

LIMITATIONS APPLIED

2-UNIT DEVS. AND LOT SPLITS



- Agencies **MUST** only impose objective⁸ zoning standards, subdivision standards, and design standards (they may impose a local ordinance to set these standards)
 - These standards **MUST** not preclude 2 units of at least 800ft²
- Projects must follow local yard, height, lot coverage, and other development standards, EXCEPT:
- A local agency **MAY NOT** require rear or side setbacks of more than 4 feet, and cannot require any setback if utilizing an existing structure or rebuilding a same-dimensional structure in the same location as an existing structure
- Project **MAY** be denied if a building official makes a written finding of specific, adverse impacts on public health or safety based on inconsistency with objective standards, with no feasible method to mitigate or avoid impact
- Agency **MAY** require 1 parking space/unit, unless the project is:
 - Within 1/2 mile of "high-quality transit corridor" or "major transit stop"⁹
 - Within 1 block of a carshare vehicle
- Agency **MUST** require that units created by SB 9 are not used for short-term rental (up to 30 days)
- Agency **MUST** allow proposed adjacent or connected structures as long as they comply with building codes and are "sufficient to allow separate conveyance"
- HOAs **MAY** restrict use of SB 9

2-UNIT DEVS

- Without a lot split, agency **CANNOT** use SB 9 to limit ADUs/JADUs *e.g., lot can have 2 primary units+1 ADU+1 JADU*
- Agency **MUST** include # of SB 9 units in annual progress report
- For properties with on-site wastewater treatment, agency **MAY** require a percolation test w/in last 5 years or recertification within last 10 years

LOT SPLITS

- Agency **MAY** approve more than 2 units on a new parcel *including ADUs, JADUs, density bonus units, duplex units*
- Project **MUST** conform to all relevant objective reqs. of Subdivision Map Act
- Agency **MAY** require easements for provision of public services and facilities
- Agency **MAY** require parcels to have access to, provide access to, or adjoin public right of way
- Project **MUST** be for residential uses only
- Applicant **MUST** sign affidavit stating they intend to live in one of the units for 3+ years¹⁰
- Agency **MUST** include number of SB 9 lot split applications in annual progress report
- Agency **CANNOT** require right-of-way dedications or off-site improvements
- Agency **CANNOT** require correction of nonconforming zoning conditions

KEY DECISIONS FOR AGENCIES TO MAKE

WHETHER TO REQUIRE:

- 1 parking space per unit
- 2-UNITS Septic tank percolation tests
- 2-UNITS Owner-occupancy
- SPLIT Public services/facilities easement
- SPLIT Right-of-way easements

WHETHER TO ALLOW:

- Creation of lots <1,200ft²
- SPLIT >2 units/new lot

DEFINE:

- Objective zoning/subdivision/design review standards
- "Acting in concert with owner"
- "Sufficient for separate conveyance"

CREATE:

- Application forms and checklists
- Recording of deed restrictions for short-term rentals and future lot splits
- Owner-occupancy affidavit

⁶ If min. size is 1,200ft², this requires a 2,400ft² lot, or 3,000ft² if a 60/40 split

⁷ This does not apply to previous lot splits taken under usual Map Act procedures

⁸ "Objective" as defined by the Housing Accountability Act

⁹ See Sections 21155 and 21064.3 of the Public Resources Code for definitions

¹⁰ Unless the applicant is a land trust or qualified non-profit



SB 9 Checklist

Projects Proposing Two Dwelling Units on Single-Family Residential Properties

Purpose & Applicability

As of January 1, 2022, California law allows for the ministerial approval of up to two dwelling units on parcels zoned for single-family residential uses. In accordance with the law, Senate Bill 9 (“SB 9”), projects seeking such ministerial approval must meet all of the following prerequisites. Please be advised that the prerequisites are mandated by the State of California and may not be waived or exempted. As such, projects that do not meet all of the criteria below are ineligible to propose two dwelling units within single-family residential districts.

Prerequisites

Please be advised that all of the following prerequisites must apply, with their boxes checked, in order to be eligible to apply.

- ☐ The subject property is in a single-family residential zoning district (R-1A, R-1B, R-1C, R-1E, R-1H, HRO-2, or single-family residential PDs). Please [click here](#) to check the zoning of a property in Belmont.
- ☐ The subject property does not appear on either the [California Historical Resources Inventory](#) or in the City of Belmont’s Historic Resources Inventory. Furthermore, the subject property is not located within a designated historic district.
- ☐ The subject property does not contain a habitat for a protected species.
- ☐ There is no conservation easement recorded against the property.
- ☐ The applicant can demonstrate that the subject property complies with the Subdivision Map Act.
- ☐ The proposal does not include demolition or alteration of affordable, rent-controlled, or otherwise subsidized housing.
- ☐ The proposal does not include demolition or alteration of housing that has been occupied by a tenant within the last three years.
- ☐ The subject property has not been previously rented or leased within the last 15 years where the property owner subsequently withdrew from the rental or lease arrangement without fulfilling the duration of the contract.

☐ The subject property has not been the subject of a property owner exercising the owner's rights provided under Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 ("the Ellis Act") within the last 15 years.

☐ The proposal would provide uninhibited access to either a public street, private street, or recorded access easement for both dwelling units.

☐ The proposal would provide at least one off-street parking space for each dwelling unit, unless one of the following is true:

- a. The subject property is located within .5 miles of a high-quality transit corridor or major transit stop.
- b. The subject property is located within one block of an established car-share site.

☐ One of the following is true:

- a. The subject site is not connected to an on-site wastewater treatment system.
- b. If the subject property is connected to an on-site wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years.

☐ Neither of the dwelling units on the subject property would be used for short-term rentals. Short-term rentals are defined as any rentals for a period of 30 days or less.

☐ The property owner will occupy one of the dwelling units at the subject property for a minimum period of three years after the building permit is finalized.

Verification & Agreement Declaration

As the property owner for the subject property, located at _____, I, _____ hereby affirm, under penalty of perjury, that the information provided herein is true and accurate to the best of my knowledge. I further understand and affirm that if I become aware that the project will not meet one or more of the prerequisites listed herein at any time, I will immediately notify the City of Belmont.

I authorize the City of Belmont to take any action it deems necessary in order to verify the accuracy of all information contained herein. I also authorize any person or entity contacted by the City of Belmont in the course of such verification to release such pertinent information as the City requests.

X

Signature
Property Owner

X

Date