



CITY OF ORINDA
SB 1123 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 1123 Subdivision Application** (Provide submittal requirements listed in <https://www.cityoforinda.org/DocumentCenter/View/5160/SB-1123-Subdivision-Submittal-Requirements>)

The subdivision of an existing vacant legal lot zoned for single family residential into up to ten legal lots as described in state law.

- ☐ **SB 1123 Unit Application** (Provide submittal requirements listed in <https://www.cityoforinda.org/DocumentCenter/View/5159/SB-1123-Unit-Submittal-Requirements>)

One single family house per parcel created through Government Code §66499.41 (SB 1123) 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. ADUs and JADUs do not count against the total number of units that may be developed through SB 1123.

PROJECT DESCRIPTION

PROPERTY INFORMATION

Present use of property (must be vacant):

Ownership structure:

- ☐ *Fee-simple ownership lots*
- ☐ *Common interest development*
- ☐ *Housing cooperative*
- ☐ *Owned by a Community Land Trust*
- ☐ *Tenancy in Common*

ACKNOWLEDGEMENT/CERTIFICATION

1. I certify **under penalty of perjury** that all information provided with this SB 1123 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.

PROPERTY OWNER

Signature:

Date:

APPLICANT (If not the property owner)

Signature:

Date:



CITY OF ORINDA

SB 1123 Checklist

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Senate Bill 1123 (SB 1123), effective July 1, 2025, creates a streamlined and ministerial approval process for subdivisions of up to 10 lots and the development of residential units in single-family residential zoning districts under [Government Code §65852.28](#) and [Government Code §66499.41](#). In addition to this checklist, applicants must provide all submittal requirements in the SB 1123 Unit Application and/or the SB 1123 Subdivision Application to demonstrate eligibility.

In this form:

- **“SB 1123 Unit”** means a single family house 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 1123 Subdivision”** means the subdivision of an existing legal lot up to ten 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 1123 streamlining. If the answer to any questions are “no”, then the project may be ineligible. Planning Staff will confirm eligibility.

Project Address:

ELIGIBILITY REQUIREMENTS: SUBDIVISION		YES	NO	N/A
1	The existing and new lot(s) are in a vacant parcel within a single-family zoning district. (Verify the zoning of a parcel in Orinda here .) <i>“Vacant” means having no permanent structure, unless the structure is abandoned and uninhabitable.</i>	☐	☐	☐
2	The project does not propose to demolish any of the following types of housing: 1. Units subject to any form of rent or price control, 2. Units subject to a recorded covenant or law that restricts rents to levels affordable to persons or families of moderate, low, very low, or extremely income, 3. Units occupied by tenants within five years preceding the application, including housing that has been demolished or that the tenants have been vacated prior to application submittal, or 4. Units that were subject to an Ellis Act eviction within 15 years preceding the application	☐	☐	☐
3	The existing lot was not previously established through SB 1123 or SB 9.	☐	☐	☐
4	The existing lot size is no greater than one and one-half acres.	☐	☐	☐
5	All newly-created parcels are at least 1,200 square feet in size.	☐	☐	☐

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|---|--|--------------------------|--------------------------|--------------------------|
| 6 | At least 75% of the perimeter of the project site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. The remainder of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an environmental impact report was certified. | ☐ | ☐ | ☐ |
|---|--|--------------------------|--------------------------|--------------------------|

A "qualified urban use" is a residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or combination of such uses.

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| 7 | The development is not located on a property classified as prime farmland or wetlands, a hazardous waste site, or within a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or land under a conservation easement. | ☐ | ☐ | ☐ |
|---|---|--------------------------|--------------------------|--------------------------|

a. *If the project is located on property that is classified as a hazardous waste site as defined under CA Govt. Code Section 65852.28(a)(9)(D), the project sponsor has either 1) secured uniform closure letter for an underground storage tank, or 2) a letter from the State Department of Public Health, State Water Resources Control Board, or the Department of Toxic Substance Control stating that the site is suitable for residential uses. If the project has secured either letter, please submit the letter with the SB 1123 Application.*

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b. *If the project is located within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, 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 any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.*

☐	☐	☐
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c. *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?*

☐	☐	☐
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|---|---|
| 8 | The proposed development will, pursuant to the requirements of this division, meet one of the following, as applicable: |
|---|---|

- | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|
| a. | If the parcel is identified in the 6th Cycle Housing Element Sites Inventory , the development will result in at least as many units as projected for that parcel in the housing element. | ☐ | ☐ | ☐ |
| b. | If the parcel is not identified in the 6 th Cycle Housing Element Sites Inventory, the development will result in at least 66 percent of the maximum allowable residential density as specified by local zoning or 66 percent of the applicable residential density specified in subparagraph 65583.2(c)(3)(B), whichever is greater. | | | |

9 The project:

(a) Complies with all applicable objective standards, and

(b) Does not contain any components, such as [removal of Protected Tree\(s\)](#) or construction of an [Elevated Deck](#) that would require discretionary review.

☐ ☐ ☐

Note: If discretionary review is required for a component of the project, this must be processed and approved separately as prior to the SB 1123 application.

10 The average total area of floorspace for proposed housing units will not exceed 1,750 net habitable square feet.

“Net habitable square feet” means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.

☐ ☐ ☐

OPTIONAL: To facilitate staff review, you may optionally submit a cover letter explaining some or all responses to the eligibility requirements.