



CHECKLIST FOR SB 9 TWO – TWO-UNIT HOUSING DEVELOPMENT

This checklist is designed to provide property owners and applicants with an overview of the SB 9 requirements for two-unit residential development projects.

California Senate Bill 9 (SB 9) created a “ministerial approval process” for residential development of qualified projects in single-family residential (R-1A or R1-B) zoning districts. To qualify for the “ministerial approval process,” the project must satisfy the eligibility requirements listed in Government Code §65852.21 and/or §66411.7.

A "two-unit development project" means the development of two (2) primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of the Atherton Municipal Code (AMC) Chapter 17.53 *“Regulations and Objective Standards for Urban Lot Splits and Development Projects Sought Pursuant to Government Code Sections 65852.21 and 66411.7”*. For more information and for a copy of the complete ordinance online, please visit: <https://atherton.municipal.codes/Code/17>

Projects must meet all the requirements listed below to potential qualify for the ministerial approval of up to two (2) dwelling units on a single-family zoned parcel under SB9. The criteria are state-mandated and cannot be waived or amended.

Eligibility Criteria to apply for an SB 9 Two-Unit Housing Development Project

Submittal Requirements

- Complete the [Planning Department Application](#) and submit all information as noted . Application materials submitted and uploaded [online](#).
- Application Fee in the amount of \$1519.98 (check made out to the Town of Atherton or cash). Fee can be dropped off to Town Permit Center during normal business hours (Monday – Friday 8:00 a.m. to 11:00 a.m. or 1:00 p.m. to 4:00 p.m.)
- Completion of the following questions:
 1. Parcel Zoning Designation _____
 2. Parcel Size (square feet) _____

3. Number of units existing on the parcel (indicate whether owner or renter occupied for the last 3 years):
 - a. Main Residence _____
 - b. ADUs _____
 - c. JADUs _____
4. Number of existing units to be demolished _____
5. If units are to be demolished:
 - a. Indicate whether owner or renter occupied for the last five years _____
6. Number, size and type of units being proposed _____
7. Does the Project provide off-street parking of one space per unit? _____
 - a. If you answered no", is the property within one-half mile walking distance of a high-quality transit corridor, as defined in Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3, or within one block of a car share vehicle? _____
8. Will the property owner occupy one of the units as his/her/their principal place of residence and record a covenant restricting occupancy? _____
9. Will the new development comply with the setbacks requirements of the underlying zoning district? _____
10. Will the development retain (any) existing main residence? _____

- Completion of the following questions:

The subject parcel is not:

- A parcel that was established through a prior urban lot split pursuant to SB 9.
- A parcel that is adjacent to another parcel where either the owner of the parcel proposing to be split or any person acting in concert with that owner has previously split an adjacent parcel using the provisions of SB 9.

Any parcel where the urban lot split would require the demolition or alteration of any of the following types of housing:

- Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Government Code section 7060 et seq. to withdraw

accommodations from rent or lease within fifteen (15) years before the date of the application to split the lot.

Housing that has been occupied by a tenant in the last three years.

Within a historic district or included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or a parcel within a site that is designated or listed as a Town of Atherton or San Mateo County landmark or historic property or district pursuant to a Town of Atherton or San Mateo County ordinance.

Within a 100-year flood zone, or within a floodway, unless Public Works standards can be met. https://www.ci.atherton.ca.us/DocumentCenter/View/281/DrainageCriteria_000?bidId=

Within a very high or high fire severity zone (consult <https://egis.fire.ca.gov/FHSZ/>),

Within a hazardous waste or hazardous list site (consult <https://www.envirostor.dtsc.ca.gov/public/>),

Within a delineated earthquake fault zone (consult <https://maps.conservation.ca.gov/cgs/EQZApp/app/>),

Property that contains habitat for protected species or is not lands under a conservation easement.

Parcel has a zoning designation of R-1A or R-1B (i.e. a single-family zoned parcel).

New parcel must be at least 40% of the original parcel's size.

Each new parcel must be at least 1,200 square feet in lot area.

The subject parcel(s) are limited to residential uses with a maximum of two dwelling units on each resulting parcel.

As part of the application, the owner must sign an affidavit stating they will occupy one of the housing units as their principal residence for a minimum of three years.

CERTIFICATION:

I certify and declare under penalty of perjury under the laws of the State of California that the answers furnished above, and in the attached exhibits, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I further understand that additional information may be required to be submitted to the Town of Atherton to complete my review.

Applicant Signature

Date

Property Owner Signature

Date