



## SB9 ELIGIBILITY CHECKLIST (SELF-CERTIFIED)

Senate Bill 9 (SB9) allows the development of two housing units and/or a lot split on eligible single-family zoned properties. A project may be eligible for the SB9 application process if it meets all of the eligibility criteria per [Gov. Code §65852.21 and/or §66411.7](#) (as shown in the checklists below). Eligibility may be evaluated in two ways; you may either use this self-certified Eligibility Checklist or you may apply for a SB9 Eligibility and [Objective Standards Pre-Screen](#). We strongly recommend the Pre-Screen option since, if a proposed project does not meet state eligibility standards, project review fees will not be refunded, and additional fees may apply. **SELF-CERTIFIED APPLICATIONS ARE MADE AT THE APPLICANT'S OWN RISK.**

### Instructions

All SB9 applications lacking an SB9 prescreen must include as applicable: 1) a completed **SB9 Eligibility Checklist: Section A** below to determine if the property qualifies for SB9 processing; 2) **Section B** for SB9 residential developments; and 3) **Section C** for SB9 lot splits. Projects (lacking a prescreen) that propose both residential development and an urban lot split are required to complete all sections. Please ensure that the checklist is fully complete, including the **Owner's Occupancy Attestation** at the end of this document (required for urban lot splits only).

### Application Processing

Once your SB9 application and checklist are submitted, staff will review your application, plans, and associated materials. Staff may request additional information and/or revisions be made to ensure the project is consistent with SB9 and the County's objective standards.

**NOTE:** If your project includes both residential development and an urban lot split, two separate applications, one for each component of the project, will be required. Though the applications may be processed concurrently, Parcel Map recordation will be required before a building permit can be issued on a new parcel created by the land division. A building permit could be issued prior to the Parcel Map recordation for units on the original parcel, where these would conform to objective standards both for the original parcel and the subsequent land division.

**PROCESSING TIMES:** Processing times may vary depending on the nature and complexity of the project and completeness of the documents submitted. SB9 applications that are incomplete or do not qualify for SB9 will delay approval of your project and may incur additional costs. Projects that receive an Eligibility and Objective Standards Pre-Screen completed by County Planning staff will help ensure your project is correctly prepared for submittal. Please visit the County's [Senate Bill 9](#) webpage for additional information.



**THIS IS A SELF-CERTIFIED APPLICATION. SELF-CERTIFIED APPLICATIONS ARE MADE AT THE APPLICANT’S OWN RISK. IF A PROPOSED PROJECT DOES NOT MEET STATE ELGIBILITY STANDARDS, PROJECT REVIEW FEES WILL NOT BE REFUNDED, AND ADDITONAL FEES MAY APPLY. BY SIGNING BELOW, YOU ARE ACKNOWLEDGING THIS RISK.**

**PROJECT INFORMATION**

Site Address: \_\_\_\_\_ APN: \_\_\_\_\_

Is the parcel located in the Coastal Zone?  Yes  No Parcel Size: \_\_\_\_\_sf  
*(Additional fees will apply)*

The proposed project will use SB9 for one of the following purposes:

- ONLY development of two primary housing units on one parcel.
- ONLY an urban lot split of one existing parcel.
- BOTH an urban lot split AND development of dwelling units.

*Note: proposed development projects may also include ADUs / JADUs.*

**DETAILED PROJECT DESCRIPTION** \_\_\_\_\_

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**Primary Contact Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## SB9 Eligibility Checklist

The criteria listed below are SB9 requirements per [Gov. Code §65852.21 and §66411.7](#). Note: GISWEB references are informational only to identify potential areas and are not definitive

**IMPORTANT:** Before starting the SB9 application process, property owners and project professionals should review all the eligibility requirements in the SB9 Eligibility Checklist below. This checklist will help you verify if your project concept complies with the criteria for a residential development and/or land division under SB9. Only projects that comply will be approved for a building permit and/or land division. One key requirement to be aware of is Owner Occupancy; for all SB9 urban lot splits, the property owner must live on one of the parcels resulting from the land division as their primary dwelling for three years from the date of approval. Please review this application for more information on this and other requirements.

### SECTION A. PROPERTY ELIGIBILITY

*This section must be completed for all SB9 Applications. See the [Santa Cruz County GISWeb](#) for parcel information. Select your property by entering the Parcel Number or address. Use the Property Report button to generate a list of general information about your parcel. The checklist below identifies specific layers available on the GISWeb legend for more detail.*

	<p><b>1. The site is a legal parcel <i>wholly</i> within the boundaries of an urbanized area or urban cluster, as designated by the US Census Bureau.</b>  <i>GISWeb Legend: Jurisdictional, Elections, Census &gt; Census Urban Areas 2010</i></p>
	<p><b>2. The parcel is located within a single-family residential zone.</b>  <i>GISWeb Legend: Zoning</i>          Single-Family Residential Zones include the zone districts below:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> R-1 Single-Family Residential District</li> <li><input type="checkbox"/> RA Residential Agricultural District</li> <li><input type="checkbox"/> RB Ocean Beach Residential District</li> <li><input type="checkbox"/> RR Rural Residential District</li> </ul>
	<p><b>3. The project is a) located outside of a historic district or property included on the State Historic Resources Inventory, AND b) the site is not designated or listed as a County landmark or historic property or district.</b>  <i>GISWeb Property Report: Zoning includes "-L" Historic Landmark Combining District</i></p>
	<p><b>4. No Ellis Act evictions(s) have occurred for any existing housing on the property in the 15 years prior to submittal of the application.</b></p>
	<p><b>5. The project will not require demolition or substantial alteration (&gt;25% of exterior walls) of the following types of housing:</b></p> <ul style="list-style-type: none"> <li>a) 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.</li> <li>b) Housing that is subject to any form of rent or price control.</li> <li>c) Housing that has been occupied by a tenant (rent paying or not) in the last three years.  <i>Please provide evidence of housing vacancy or owner occupancy such as: property tax records, income tax records, utility bills, vehicle registration, or similar documentation.</i></li> </ul>



**SECTION A. PROPERTY ELIGIBILITY**

**6. The parcel does not include one or more of the following protected areas:**

- a) Prime farmland or farmland of statewide importance, or land zoned or designated for agricultural protection or preservation by a local ballot measure
  - o *GISWeb Legend: Land Use > Important Farmlands & GISWeb Legend: Zoning > Important Farmlands and Land Use >Ag Resource Area.*
- b) Wetlands, as defined by the United States Fish and Wildlife Service
  - o *GISWeb Legend: Biotic and Water Resources > Streams<sup>1</sup>*
- c) Lands identified for conservation in an adopted natural resource protection plan
  - o *GISWeb Legend: Biotic and Water Resources > IPHCP Area*
- d) Habitat for state and federally protected species
  - o *GISWeb Legend: Biotic and Water Resources<sup>2</sup> > Potential Sandhills Habitat, Grasslands, SpecialForest, Riparian Woodlands, Biotic Resources, Santa Cruz County Biotic Data*
- e) Lands under conservation easement
  - o *GISWeb Property Report: Zoning includes "-O" Open Space Easement Combining District*
  - o *GISWeb Property Report: Zoning includes "-P" Agricultural Preserve Combining District*

**7. The parcel is not located in a hazard area. If the parcel is located in a hazard area, the project will need to meet County safety standards, and/or meet all Building Code standards and incorporate mitigation measures as applicable.**

If the parcel is located in a hazard area, please complete the section below:

**The project is located in hazard area(s)**

- Very high or high fire hazard severity zone  
*GISWeb Legend: Hazards and Geophysical > State Response Areas*
- Hazardous waste site  
*GISWeb Legend: Hazards and Geophysical > Permitted Hazardous Materials Facilities*
- Earthquake fault zone  
*GISWeb Legend: Hazards and Geophysical > Geologic Structures - Faults*
- FEMA-designated 100-year flood hazard area  
*GISWeb Legend: Hazards and Geophysical > FEMA Insurance zones*
- FEMA-designated floodway  
*GISWeb Legend: Hazards and Geophysical > FEMA Floodway*

**AND meets following requirement(s), as applicable:**

- Adopts applicable fire hazard mitigation measures
- State has cleared the site for residential use
- Complies with seismic protection standards
- Meets minimum flood plain management criteria
- Project has received a no-rise certification

<sup>1</sup> NOTE: Streams layer only identifies potential wetland areas. A site visit or additional studies may be required to determine presence of wetlands as defined by USFWS. Please contact Environmental Planning section for more information: [EnvironmentalPlanningInfo@santacruzcounty.us](mailto:EnvironmentalPlanningInfo@santacruzcounty.us)

<sup>2</sup> NOTE: The layers listed only identify potential habitat areas. A site visit from a County environmental planner may be required to determine presence of state and federally protected species. Please contact Environmental Planning section for more information: [EnvironmentalPlanningInfo@santacruzcounty.us](mailto:EnvironmentalPlanningInfo@santacruzcounty.us)



**SECTION B. RESIDENTIAL DEVELOPMENT ELIGIBILITY**

*Required for development of two primary units on a single-family parcel. If project only proposes a lot split, skip to Section C.*

**1. If units are connected to an Onsite Wastewater Treatment System (OWTS), the OWTS must meet or be upgraded to meet current standards in compliance with County Code Chapter 7.38. (Please attach Environmental Health Clearance, if applicable.)**

**2. If the site has been occupied by a tenant (whether or not paying rent) in the last three years, no more than 25% of the existing structural wall will be demolished.**  
 Does the project propose demolition of more than 25% of the existing structural walls?  YES  NO  
 If yes, has the site been occupied by a tenant in the last three years?  YES  NO  
*If yes and yes, project is not eligible for SB9. If yes then no, provide evidence of vacancy or owner occupancy such as: property tax records, income tax records, utility bills, vehicle registration, or similar.*

**3. The project proposes development of no more than two primary units per parcel and no more than four units per project.**

Number and type (primary or ADU) of existing units: \_\_\_\_\_  
 Number and type of existing units to be demolished: \_\_\_\_\_  
 No. & type of extg. units to be converted, No.& type of units to result: \_\_\_\_\_  
 Number and type of proposed units: \_\_\_\_\_  
 Resulting in (total number and type of units. Reference parcels if also splitting.): \_\_\_\_\_  
 \_\_\_\_\_

**4. All new rental units will be rented long term (>30 days).**

Concurrent to recordation of the Parcel Map, the applicant must record a Deed Restriction identifying that the units on the properties may not be rented for a term of 30 days or less.

**5. Total existing off-street parking spaces (8.5' X 18') :** \_\_\_\_\_

**6. Total off-street parking spaces after project completion:\*** \_\_\_\_\_

Proposed parking equals 2 spaces for 1-BR primary dwelling(s) and 3 spaces for 2-, 3- or 4-BR primary dwelling(s). If not feasible, then at least one off-street parking space per primary unit. Also, one space per ADU where required (see GIS layer Land Use / ADU Parking Exemption). :  YES  NO

OR the project does not require parking because:  
 Parcel located one-half mile walking distance from high-quality transit corridor or major transit stop (Note: None yet located in County area a/o 2023.)  
 Car share vehicle located within a block of parcel

**7. Standard building setbacks are met; if not, setbacks to side and rear property lines are at least 4 feet and new primary dwelling(s) do not exceed 800 sq.ft. Indicate setbacks:\***

Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Sides: \_\_\_\_\_

**8. The project information presented is consistent with County Objective Standards that do not conflict with SB9. If not checked, please describe areas of conflict:** \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**SECTION C. SB9 LOT SPLIT ELIGIBILITY REQUIREMENTS**

*Required for subdivision of single-family parcel. If project does not include a lot subdivision, this section is not required.*

- 1. The existing parcel proposed for subdivision was not created by an urban lot split under SB9. At least one dwelling unit exists (or is under construction) on the parcel.\***
- 2. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split pursuant to SB9.**
- 3. The proposed subdivision creates no more than two new parcels of approximately equal net site area that meet the following criteria. Net site area is the gross area minus rights of way (unless on beach or coastal bluff):**
  - a) Proposed net site area is at least 40% of the gross area of the original parcel, and**
  - b) Proposed gross area at least 1,200 square feet for parcels served by sewer, or**
  - c) Proposed gross area at least 1 acre for most parcels with septic systems. Parcels of 15,000 sq. ft. on septic are allowed in Monte Toyon #1 and Rio del Mar Lodge #1 &2 subdivisions and Assessors map page 040-14, if within Soquel Creek Water District.\***

Lot A net site area: \_\_\_\_\_sf. Percentage of net site area of the original parcel: \_\_\_\_\_%  
 Lot B net site area: \_\_\_\_\_sf. Percentage of net site area of the original parcel: \_\_\_\_\_%

- 4. Both new lots will be limited to residential uses only.**
- 5. If the project includes both an urban lot split and development of two primary housing units, the project proposes no more than four units total– can be attached or detached. (Please complete Section B.)**
- 6. The owner(s) have provided a) a signed attestation stating that the owner intends to occupy one of the lots as their principal residence for a minimum of three years from the date of the approval of the urban lot split (see below), OR b) documentation verifying owner occupancy is not required.\***

**7. The project is consistent with all applicable County objective standards that do not conflict with SB9. ([See List of Objective Standards.](#))**

“Objective standards,” including “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.

**If not checked, please describe areas of conflict:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Owner's Occupancy Attestation

*This form is required only for SB9 lot split applications. Please do not e-sign in this application, as it locks the document. Instead, please print out, sign, scan and submit this signature page as a separate pdf file. Or extract as a separate, one-page document, e-sign that document and submit as a separate pdf file.*

### **Under penalty of perjury the following declarations are made:**

- 1) The undersigned is/are the owner(s) of the property that is subject of this application.
- 2) The information presented is true and correct to the best of my/our knowledge.
- 3) I/We acknowledge that additional information or applications may be required prior to a decision on this application.
- 4) At least one of the owners below will occupy one of the housing units as their principal residence for a minimum of three years from the date of the approved land division.
- 5) I/We understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to the Department websites. All owners or trustees must sign. Please add signature lines as necessary

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_