

**STREAMLINED HOUSING DEVELOPMENTS-SENATE BILL 9
PRELIMINARY SITE ELIGIBILITY CHECKLIST**

PJR-142

California Senate Bill 9 of 2021 enacted Government Code Sections 65852.21 and 66411.7 (commonly referred to as “SB 9”), which create a streamlined and ministerial approval process for certain housing projects. SB 9 permitting may be used for three project types:

1. **A Housing Development:** Add up to two residential units to an existing lot.
2. **An Urban Lot Split:** Split an existing lot into two new lots.
3. **A Housing Development and an Urban Lot Split:** Split an existing lot in two new lots and add up to two new residential units on each of the resulting lots.

Applicants intending to utilize SB 9 permitting must complete this checklist, then meet with a planner from Permit Sonoma during [office hours](#) and provide supporting documentation to demonstrate eligibility. Appointments are not required nor not offered at this time. Documentation for all eligibility criteria is not required to meet with a planner, but is highly recommended. It is the applicant’s responsibility to satisfactorily demonstrate that the project meets all applicable eligibility criteria, with supporting documentation, at the time that the applicant submits a formal Planning application for an SB 9 project.

If, based on documentation provided by the applicant, a project appears to meet the criteria below, the applicant may submit the applicable Planning application (a *Zoning Permit* for a housing development and/or a *Minor Subdivision* for an urban lot split). Notwithstanding the requirements outlined below, SB 9 projects shall comply with all applicable objective standards that do not conflict with Government Code Sections 65852.21 or 66411.7.

This Preliminary Site Eligibility Checklist is only a preliminary screening tool. It is not a determination that the project is approvable under SB 9 and is not binding.

See the SB 9 **Application Requirements** to learn about the application process and required application materials.

If a project meets all of the following criteria, it may be eligible for SB 9 Streamlining

URBAN AREA			Applicant Initials
Yes	No	The parcel is located entirely within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.	
ZONING			Applicant Initials
Yes	No	The parcel’s base zoning is one of the following districts: <ul style="list-style-type: none"> • R1 (Low Density Residential) • RR (Rural Residential) • AR (Agriculture and Residential) (https://sonomacounty.ca.gov/PRMD/Administration/GIS/ActiveMap/)	

SITE REQUIREMENTS			Applicant Initials
Yes	No	<p>No portion of the parcel includes or is located within any of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> An HD (Historic District) Combining Zone (https://sonomacounty.ca.gov/PRMD/Administration/GIS/ActiveMap/) <input type="checkbox"/> Property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code (https://ohp.parks.ca.gov/?page_id=1068), or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance. (https://sonomacounty.ca.gov/PRMD/Planning/Historic-Resources/Historic-Landmarks/) <input type="checkbox"/> Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction. (https://maps.conservation.ca.gov/agriculture/ and https://sonomacounty.ca.gov/PRMD/Administration/GIS/ActiveMap/) <p><i>Lands within General Plan designated Community Separators are not eligible for SB 9 projects. (See Gov. Code § 65852.21(a)(2) referencing § 65913.4(a)(6)(B).)</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993). (https://www.fws.gov/wetlands/data/mapper.html) <p><i>Applicants must have a qualified biologist prepare a Biological Resources Assessment to demonstrate the project site does not contain wetlands meeting the definition above.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development. (https://sonomacounty.ca.gov/PRMD/Administration/GIS/ActiveMap/) <p><i>“Adopted fire hazard mitigation measures pursuant to existing building standards,” as used in Government Code § 65913.4(a)(6)(D) shall be understood as Sonoma County Code Chapters 7, 13 and 13A.</i></p>	

- A **hazardous waste site** that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
(<http://geotracker.waterboards.ca.gov/> and <https://www.envirostor.dtsc.ca.gov/public/> and <https://calepa.ca.gov/sitecleanup/corteselist/>)
- 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 (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.
(<https://www.conservation.ca.gov/cgs/alquist-priolo> and <https://sonomacounty.ca.gov/PRMD/Administration/GIS/ActiveMap/>)
- 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. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
 - The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
(<https://msc.fema.gov/portal/home>)
- A **regulatory floodway** as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of

		<p>the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. https://msc.fema.gov/portal/home</p> <p><input type="checkbox"/> Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan. https://www.fws.gov/sacramento/es/Recovery-Planning/Santa-Rosa/</p> <p><input type="checkbox"/> Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).</p> <p><i>Applicants must have a qualified biologist prepare a Biological Resources Assessment to demonstrate the project site does not include any of the habitat described above.</i></p> <p><input type="checkbox"/> Lands under conservation easement, including Land Conservation Contracts (Williamson Act).</p>	
Yes	No	[If the project involves an urban lot split] The parcel was not established through a prior SB 9 Urban Lot Split (Gov. Code § 66411.7).	
Yes	No	The project proponent certifies that the parcel is not one in which the owner of residential real property has exercised the owner’s rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date of an application under SB 9.	
Yes	No	The project proponent certifies that neither the owner of the parcel proposed for a lot split, nor any person acting in concert with the owner, has previously subdivided an adjacent parcel through an SB 9 Urban Lot Split (Gov. Code § 66411.7).	
DEMOLITION RESTRICTIONS			Applicant Initials
Yes	No	<p>The proposed housing development will not demolish or alter any of the following types of housing:</p> <ul style="list-style-type: none"> Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, 	

		<p>low, or very low income.</p> <ul style="list-style-type: none"> • Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power. • Housing that has been occupied by a tenant in the last three years. 	
Yes	No	The proposed housing development will not demolish more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.	
OWNER OCCUPANCY			Applicant Initials
Yes	No	<p>An applicant for an urban lot split under these provisions shall sign an affidavit affirming that the applicant intends to occupy one of the housing units on either of the resulting lots as their principal residence for a minimum of three years from the date of the approval of the lot split.</p> <p>This requirement shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.</p>	
PERMANENT LIMITATION TO RESIDENTIAL USE			Applicant Initials
Yes	No	[If the project involves an urban lot split] The owner(s) and applicant (if different) acknowledge and understand that lots created by an urban lot split are permanently limited to residential uses, as required by SB 9. (See Gov. Code § 66411.7(f).)	

CONSISTENCY WITH OBJECTIVE STANDARDS

In addition to the above criteria and notwithstanding the requirements displayed below, SB 9 projects shall comply with all adopted objective standards that do not conflict with Government Code Sections 65852.21 or 66411.7.

CONSISTENCY WITH OBJECTIVE STANDARDS

Objective Subdivision Standards

If the project involves an urban lot split, the project is consistent with objective subdivision standards in the following sections of Sonoma County Code Subdivision Ordinance, Chapter 25:

- Section 25-17 – Standards for approval
- Section 25-40 through Section 25-44 – Design standards generally
- Section 25-56 – Public Improvements Generally
- Section 25-57 – Standards for Design and Construction (Public Improvements)

In addition, the project complies with all objective standards in the **Subdivision Map Act** (Division 2 (commencing with Section 66410)) except where requirements conflict with Government Code § 65852.21 or § 66411.7.

Objective Zoning and Design Standards

The project is consistent with objective zoning and design standards in the following sections of the Sonoma County Zoning Code, Chapter 26, as applicable to the project or site:

- Sec. 26-08-040 – Development standards
- Sec. 26-63 – LG (Local Guidelines) Combining District
- Sec. 26-64 – SR (Scenic Resources) Combining District
- Sec. 26-65 – RC (Riparian Corridor) Combining District
- Sec. 26-67 – VOH (Valley Oak Habitat) Combining District
- Sec. 26-70 – G (Geologic Hazard) Combining District
 - General Plan Policies PS-1f and PS-1g

The correction of legal nonconforming zoning conditions will not be required as a condition of ministerial approval for an urban lot split.

Parking

The project provides one off-street parking space per residential unit, except in the following instances:

- The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
- There is a car share vehicle located within one block of the parcel.

Setbacks

The project meets the following setbacks:

- Front yard: as established by the base zoning district.
- Side and rear yards: 4 feet.

No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

Maximum Number of Lots

No more than two lots may be created from an existing legal lot.

Minimum Lot Size

The resulting two lots must be no smaller than 1,200 square feet in any circumstance. The resulting lots must be approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

Maximum Number of Dwelling Units

The maximum number of units that may be approved with an SB Housing Development project that uses only the provisions of Government Code § 65915 is two primary dwelling units.

On lots created by an urban lot split (Government Code § 66411.7), the maximum number of units permitted is two dwelling units, with “dwelling units” to include primary dwellings, accessory dwelling units, junior accessory dwelling units, and dwelling units created under Government Code § 65915.

WATER

The project shall have a potable water source meeting all objective requirements of Sonoma County Code:

- Chapter 7: Section 7-12
- Chapter 25: Sections 25-17(q), 25-44(b), 25-56(c), and 25-57
- Chapter 25B

[\(https://sonomacounty.ca.gov/PRMD/Eng-and-Constr/Well-and-Septic/Water-Wells/\)](https://sonomacounty.ca.gov/PRMD/Eng-and-Constr/Well-and-Septic/Water-Wells/)

WASTEWATER

The project shall have adequate sewage disposal through connection to public sewer, or by an onsite wastewater sewage treatment system (OWTS). Use of onsite septic systems must comply with the following:

- Chapter 25: Section 25-17(f), Section 25-44(b), Section 25-56(d), and Section 25-57
- The Sonoma County Onsite Wastewater Treatment System (OWTS) Manual (<https://sonomacounty.ca.gov/PRMD/Eng-and-Constr/Well-and-Septic/Septic-Systems/>)

ACCESS

Access to the project shall be provided from a County right-of-way and meet objective standards in the following codes:

- Sonoma County Code Chapter 25
- Sonoma County Transportation and Public Works Construction Standards
- Sonoma County Code Chapter 13 and 13A
- Title 14 California Code of Regulations (CCR), Division 1.5, Chapter 7, Fire Protection
 - Subchapters 1 and 2
 - Articles 1-5

Minimum design standards, including roadway widths, in Title 14, Division 1.5, Chapter 7 apply to lot splits within the State Responsibility Area (SRA).

- Government Code § 66474.02

TO BE COMPLETED BY PERMIT SONOMA STAFF

Based on the supporting documentation submitted by the applicant and the completed Preliminary Site Eligibility Checklist above, the project site appears to be:

- Not eligible for an SB 9 project. You may apply for standard processing of the project if allowed by zoning.
- Eligible to apply for an SB 9 project. Please submit all SB 9 **Application Requirements** in order to continue with the SB 9 entitlement process.

Permit Sonoma Staff _____