



SB 9 Urban Lot Split Checklist & Application

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Senate Bill 9 (SB 9), effective January 1, 2022, creates a streamlined and ministerial approval process for certain housing and/or lot split projects under [Government Code §65852.21](#) and [Government Code §66411.7](#)

“Urban Lot Split” Urban lot split" means a ministerial application for a parcel map to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Section 66411.7 of the Government Code and [Hercules Municipal Code Section 10-2.900 “Urban Lot Splits”](#).

If the answers to all “ELIGIBILITY REQUIREMENTS” questions below are “yes” or “N/A”, then the project qualifies for SB 9 streamlining. If the answer to any questions is “no”, then the project is ineligible.

If answers to all “OBJECTIVE SUBDIVISION STANDARDS” questions below are “yes” or “N/A” the project meets City’s Objective Subdivision Standards per Sec. 10-2.904 of the Hercules Municipal Code. *Please note: State law requires that some objective standards be waived to allow at least two 800 sf SB 9 units.*

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

ELIGIBILITY REQUIREMENTS		YES	NO	N/A
1	Is the subject parcel zoned for single-family residential use (RS-E, RS-L, or Single-Family PUD)? Verify the zoning of a parcel in Hercules here .	<input type="checkbox"/>	<input type="checkbox"/>	
2	Does the project propose no more than two parcels, one being a minimum of 40 percent of the original lot’s size and both being at least 1,200 square feet?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Does the lot split conform to all applicable objective requirements of the Subdivision Map Act?	<input type="checkbox"/>	<input type="checkbox"/>	
4	The urban lot split does not propose the demolition or alteration to the following types of housing: <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, 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; Housing that has been occupied by a tenant in the last three years 	<input type="checkbox"/>	<input type="checkbox"/>	
5	Does the property owner intend to occupy one of the housing units as their principal residence for a minimum of 3 years? (Does not apply to community land trust or qualified nonprofit corporation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	The existing parcel was not established through prior SB 9 urban lot spit?	<input type="checkbox"/>	<input type="checkbox"/>	
7	Neither the owner of the parcel being subdivided nor any person acting in concert with the owner previously conducted an urban lot split to create an adjacent parcel?	<input type="checkbox"/>	<input type="checkbox"/>	

8	Will each new parcel have no more than two dwelling units?	<input type="checkbox"/>	<input type="checkbox"/>	
9	Are all structures located across new property lines constructed to comply with applicable building codes and sufficient to allow separate conveyance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Is the project located on a property outside each of the following areas? (check with Planning Department if unsure) <ul style="list-style-type: none"> ▪ Historic District, State Historic Resource, or listed as a city or county landmark ▪ Prime farmland ▪ Wetlands as defined under federal law ▪ Hazardous waste site ▪ Protected species habitat ▪ Lands under a conservation easement ▪ Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan or other adopted natural resource protection plan 	<input type="checkbox"/>	<input type="checkbox"/>	
11	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 here, does the project meet applicable federal criteria?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	If the parcel is located in an Earthquake Fault Zone, does it comply with applicable seismic protection building code standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Does the urban lot spit comply with requirements of the City's National Pollution Discharge Elimination System (NPDES) Permit as implemented by Sec. 5-8.050 and as demonstrated by a grading and drainage plan prepared by a registered civil engineer?	<input type="checkbox"/>	<input type="checkbox"/>	
OBJECTIVE SUBDIVISION STANDARDS		YES	NO	N/A
1	Does the project propose a flag lot? If yes, does the proposed flag lot provide a paved access corridor of at least 12-feet and no more than 15-feet consistent with Fire Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Are side lines of all parcels, so far as possible, located at right angles to streets or radial or approximately radial to curved streets and to center points of cul-de-sac turning circles?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Is each parcel a minimum of 30-feet in width? The calculation of lot width for a flag lot shall exclude the access corridor.	<input type="checkbox"/>	<input type="checkbox"/>	
3	Does each parcel have public street frontage?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Does each parcel provide for separate utilities?	<input type="checkbox"/>	<input type="checkbox"/>	

GENERAL DATA REQUIRED

Property Address or Location: _____

Applicant Name: _____

Applicant Address: _____

Applicant Phone: _____

Email Address: _____

Description of Proposed Work: _____

Assessor's Parcel Number: _____

Site Area (Acers/SQ.FT.): _____

General Plan Land Use: _____

Zoning District: _____

Existing Use of Property: _____

Description of Surrounding Uses: _____

PROPERTY OWNER OR AUTHORIZED AGENT

Name of Business: _____

Address: _____

Phone Number: _____

Property Owner or Authorized Agent Name: _____

Property Owner or Authorized Agent Signature: _____

APPLICANT ACKNOWLEDGMENT/CERTIFICATIONS

1. I certify **under penalty of perjury** that all information provided with this SB 9 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. I understand that submission of this application does not constitute approval for any administrative review, conditional use, variance, map approval or exception for any other City regulations, which are not specifically the subject of this application. I understand further that I remain responsible for satisfying requirements of any private restrictions or covenants appurtenant to the property.
4. I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the Community Development Director. I further certify that I am the owner or purchaser (or option holder) of the

property involved in this application, or the lessee or agent fully authorized by the owner to make this submission.

5. I certify that statements made to me about the time it takes to review and process this application are general. The City has attempted to request everything necessary for an accurate and complete review of your proposal; however, after the City has taken in your application and reviewed it further, it may be necessary to request additional information and clarification.
6. If the application includes demolition of more than 25% of the walls of an existing dwelling unit, the property owner certifies that the subject unit has not been occupied by a tenant in the last 3 years.

Signature of Owner or Authorized Agent

Date

SUBMITTAL REQUIREMENTS

1. SB 9 Urban Lot Split Checklist & Application

2. Application Deposit \$ 6,500.00 (Applicant will be charged for actual costs + 20%)

3. Intent to Occupy Affidavit

4. Parcel Map

The parcel map shall be clearly and legibly drawn and shall contain the following information:

- The title, which shall contain the subdivision number assigned by the City and the parcel map;
- Names and addresses for:
 - Legal owner of property, and
 - Person or persons who prepared the map;
- A topographical map accurately showing contours and other features of the existing terrain within the subdivision, existing drainage channels, roads, culverts, overhead and underground utility lines which affect the design of the subdivision, wells and springs, structures, irrigation ditches, utility poles, and other improvements in their correct location. Elevations shall be in accord with U. S. Geological Survey (1929 Sea Level datum.) The map shall be drawn to an engineer's scale large enough to show all information clearly. The parcel shall be oriented on the map sheet such that the north arrow shall point toward the top of the sheet. Contour interval shall not be greater than two feet if the ground slope is less than ten percent nor larger than five feet for ground slopes greater than ten percent; and at such intervals that the contour lines will not be spread more than one hundred fifty (150) feet (ground distance) apart. The map shall show:
 - The outline of any geologic or potentially hazardous soil condition, and areas subject to inundation or ponding,
 - The edges of pavement of existing streets, private roads, driveways and other paved areas,
 - Location of existing property lines and boundaries of existing easements within the subdivision, with the names of the owners of record, of easements, exclusions, and the properties abutting the subdivision,
 - The proposed lot, street layout and driveways/access easements with scaled dimensions of each lot.
- Each lot shall be identified by: (a) lot number, beginning with number "1" or (b) lot letters, beginning with letter "A". Numbers or letters shall be consecutive with no omissions or duplications.
- The area of each lot on the parcel map. Lot size and dimensions shall conform to the requirements of SB 9 and all applicable City standards (e.g., structure setbacks, lot width, etc.).
- The locations of all proposed easements for drainage, creek setback, and utility access.
- The location and width of access to the public right-of-way or fronting roadway.
- The location and species of all trees or, if massed, the outline of the tree mass. Trunk diameter of all trees six inches in diameter and over shall be noted.
- Location, approximate grade, direction of flow and type of facility of existing drainage

channels and storm drains.

- A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to community development.
- North arrow, scales for maps and contour interval.
- Boundary lines or existing land use zones shall be delineated.
- Language in a note on face of map that the subdivision is an Urban Lot Split pursuant to Government Code 66411.7/SB 9 (2021).

5. Drainage/Improvement Plan

The plan shall include the following:

- An outline of the development footprint of any unit(s)/house(s) proposed within the newly subdivided lots,
- Geotechnical remediation / grading improvements,
- Drainage and C.3 stormwater treatment improvements,
- Utility improvements,
- Access to the lot from the public-right-of-way or fronting roadway showing driveway slope and width. Access may be by easement.

6. Soils Report

A preliminary geologic and/or soils reconnaissance report. Each report of a geological investigation shall be prepared and signed by an engineering geologist. Each report of a soil investigation shall be prepared and signed by a soils engineer. The required report should be based on the latest grading plan for the subject development and shall reference the date of that grading plan. All reports shall include the following:

- A detailed geologic map showing the location and extent of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the subject property which warrants special management and/or further evaluation,
- Recommendations outlining an exploration program to fully define and delineate any geologic hazard or potentially hazardous soil condition, and to accurately identify developable areas,
- Conclusions regarding the effect of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the project site on the design of the proposed subdivision,
- Recommendations for redesign of the subdivision and/or recommendations for construction procedure to mitigate potentially hazardous conditions, if warranted.

7. Drainage Report

The report shall include:

- Calculations and recommendations to support the design of drainage improvements to collect and convey stormwater runoff that originates within the subdivision as well as runoff that flows onto and / or through the subdivision,
- Calculations that demonstrate that post-development runoff does not exceed pre-development runoff, and
- The downstream facilities to accept stormwater runoff from the subdivision.

8. C.3 Stormwater Treatment Report

The report shall include calculations and recommendations to support the design of stormwater treatment measures to comply with provision C.3.

9. Title Report

A title report not more than six months old.

10. Utility Will-Serve Letters

- A “will serve” letter from all applicable utility agencies indicating that utility services are available to the new subdivided lots.