



CITY OF HERCULES

SB 9 Permit No. _____

SB 9 Two-Unit Development Checklist & Application

111 Civic Drive, Hercules, CA 94547

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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](#)

A Two-Unit Development means a development that proposes no more than two units or proposes to add one new unit to one existing unit and that meets all the criteria and standards set forth in [Hercules Municipal Code Section 13-36](#). Applicants wishing to apply to construct an ADU or Junior ADU should refer to the City’s application materials for such units.

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 “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 STANDARDS” questions below are “yes” or “N/A” the project meets City’s Objective Zoning and Design Standards per Sec. 13-36.400 and 13-36.500 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 at least one new SB 9 unit? <i>Note: SB 9 does not apply to additions where no new unit is being created, nor does it apply if an existing single-family home is being demolished and replace with one new single-family home.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Including any existing primary home on the property, are you proposing no more than two primary units (not including ADU/JADU) per legal lot?	<input type="checkbox"/>	<input type="checkbox"/>	
4	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"> ▪ 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"/>	

5	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"/>
6	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"/>
7	Does the project: <ul style="list-style-type: none"> ▪ Avoid demolition of more than 25% of existing exterior walls of an existing dwelling that has been occupied by a tenant in the last 3 years? ▪ Avoid demolition or alteration of affordable housing, rent controlled housing, housing that was withdrawn from rent within the last 15 years, or tenant occupied in the last 3 years? 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OBJECTIVE STANDARDS		YES	NO	N/A
1	Does the project propose new unit(s) with Building Height as specified by applicable zoning district?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Does the combined total of proposed SB 9 units (including any existing unit on the subject parcel) comply with the Maximum Site Coverage for the subject parcel? (If no, standard may be waived to allow two units of at least 800 sf)	<input type="checkbox"/>	<input type="checkbox"/>	
3	Does the project propose at least one parking stall per primary dwelling unit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Does the project propose at least 500 square feet of private open space per primary dwelling unit? (If no, standard may be waived to allow two units of at least 800 sf)	<input type="checkbox"/>	<input type="checkbox"/>	
5	Does the project meet setback requirement as specified by applicable zoning district, except no more than 4 feet is required for rear and interior side setback? <i>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.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
6	Does proposed paving meet requirements as specified by Sec. 13-30.750 ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	If the project contains an existing primary dwelling unit, does the new primary unit conform to the design characteristics of the existing residence? Conformity means the new unit utilizes all of the following features of the existing residence: architectural features, building materials, and paint color.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	If balconies are proposed, are they located only on the front elevation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Are front doors a maximum width of 6 feet and height of 9 feet? Are front entry doors for duplex units in a side-by-side configuration separated by a distance equal to half the linear length of the structure's front elevation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Are second-story wall(s) that front a public street recessed by 5 feet from the first-story exterior walls, as measured wall to wall?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|
| 11 | Are garages placed on the front elevation of the new unit(s) no more than 50% of the linear extent of the front elevation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12 | Are all stairways necessary to access a second story dwelling unit entirely enclosed within the structure? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13 | If the project propose second-story windows less than eight feet from rear and interior-side property lines, are they clerestory with bottom of the glass at least six feet above the finished floor? Are all other second-story windows limited to the minimum number and minimum size as necessary for egress purposes as required by the Building Code? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14 | Does the project propose a hedge, consisting of 15-gallon minimum evergreen shrubs at maximum 5-foot intervals, along the parcel line (and outside of any easement) adjacent to the wall of the SB 9 dwelling unit that is closest to the parcel line? | <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: _____

General Plan Land Use: _____

Zoning District: _____

Existing Use of Property: _____

SUPPLEMENTAL PROJECT INFORMATION

	Existing (E)	New (N)	Total (combined)	% Change (N/E)
Total Lot Area (in sq. ft)				
% Site Coverage ¹				
Dwelling Size (in sq. ft)				

¹ “Site coverage” means the total horizontal area included covered by developed structures, excluding outdoor uncovered paved areas, divided by the site area.

ZONING COMPLIANCE

	Existing	New SB 9 Unit	New SB 9 Unit
Front Yard Setback			
Side Yard Setback			
Rear Yard Setback			
Maximum Building Height			
# of Parking Spaces			
Square Feet of Open Space			

RESIDENTIAL PAVING & LANDSCAPE REQUIREMENTS ([MUNICIPAL CODE SEC. 13-30.750](#))

	Total Area	Existing Landscape	Existing Hardscape	Proposed Landscape	Proposed Hardscape
Front Yard					
Side/Back Yard					
House/Garage					
Total					

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 Two-Unit Development Checklist & Application

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

3. Site Plan

- Summary Table showing:
 - Square footage of the lot
 - Square footage of the existing and proposed structures
 - Lot coverage
 - Lot slope indicated by contours at regular intervals, or site survey if required
- Location of proposed development. Illustrate the property lines.
- Location and dimensions of all existing and proposed buildings
- Dimensions of required and proposed front, side, and rear yards
- Location and dimensions of existing and proposed driveways, garages, carports, parking spaces and maneuvering aisles
- Location and dimension of existing and proposed private and public open space
- Location of all existing trees, and indication of any trees to be removed
- Location of existing and proposed height of walls and fences, indicating top and bottom wall and fence elevations with spot elevations or contours shown at regular intervals
- Building footprints and approximate height of structures on adjacent lots
- Location of drainage ways, creeks, or wetlands
- Vicinity map indicating site in relationship to major streets

4. Floor Plan

- Show all existing and proposed construction and/or alterations, fully dimensioned and prepared to appropriate scale.

5. Elevations

- Show all structure elevations fully dimensioned and prepared to appropriate scale:
- Existing and proposed new construction and/or alterations, including all mechanical, duct work, utility boxes (front, side and rear). All elevations of each building to be constructed.
- Details for fascia trim, windows, doors, trim, sills, railing and fencing and final height of building.

6. Landscape Plan

- All landscape design shall be prepared per Stormwater C.3 Guidebook. Development shall show Post Construction Best Management Practices (BMPs). Copies of the Stormwater C.3 Guidebook is available in the Engineering Division. Development shall show planting areas and proposed plant palette. Indicates type, size and location of new landscaping to be installed and any existing landscaping that is to be removed. Include landscape lighting locations and cutsheet/details of the type of lighting fixtures.