

Senate Bill 9 (SB-9) Urban Lot Split

Form ID: PER-312

California Senate Bill 9 (California Housing Opportunity and More Efficiency [HOME] Act) (SB-9), effective January 1, 2022, mandates a local jurisdiction to ministerially approve a parcel map for an urban lot split in a single-family residential zone (i.e., RD-1 through RD-10) if certain criteria are met. You may [review the full bill](#) on the State Legislature website.

Applicants intending to utilize the SB-9 Urban Lot Split provision to process a two-lot parcel map shall complete and submit this application, along with required submittal materials identified in Part E, and the “PMR-SB9” application fee as listed on the [Planning Fee Schedule](#). PER will review the form to ensure eligibility and compliance with the requirements for utilizing the SB-9 Urban Lot Split provision. If the project is eligible and complies with the listed requirements of SB-9, the two-lot parcel map will be processed by PER consistent with Zoning Code User Guide procedures. PER may request supporting documentation or supplemental information in order to determine the project’s eligibility and compliance with the requirements of SB-9.

Per California Government Code Sections 65852.21(h) and 66411.7(b), complete applications must be approved or denied within 60 days. The Urban Lot Split must be approved prior to building permit application submittal. If the application is denied for failure to meet any of the criteria, the applicant will be provided with a denial letter outlining the reasons for denial and any available options. A new application fee will be required with each subsequent application.

Advisories

County Tree Permit

A County Tree Permit may be required if “regulated work” or “removal” concerning a Protected Tree is part of the project. Visit Planning’s [Tree Permit](#) page for more information.

Sacramento Municipal Utilities District (SMUD) Consultation Meeting

A Sacramento Municipal Utility District (SMUD) Consultation Meeting strongly recommended. Infill development can be difficult to serve and may require complex solutions that ensure service to the proposed project, the surrounding properties, as well as access to onsite equipment. SMUD offers a free consultation that can outline potential issues and provide service solutions. Electing to pass over this step could require changes to project design or project delays. For more information, see [SMUD’s Design and Construction Services](#) page.

Water and Sewer Availability

You will need to demonstrate you have both water and sewer available on your resulting parcels. There are two methods to demonstrate this:

1. Obtain letters from the water and sewer providers indicating that your project will be served by them or has capacity to serve.
2. Demonstrate through studies and tests that **each** resulting parcel will have capacity for a well and septic system. You can find more information by reaching out to the County's [Environmental Management Department](#).

Part A. Contact Information

Applicant Information:

Applicant Name (first and last name): _____

Applicant Company (if applicable): _____

Applicant Address (Street number, street name, city, and ZIP code):

Applicant Phone Number: _____

Applicant Email Address: _____

Owner or Agent of Owner's Information:

Owner or Agent of Owner's Name (first and last name): _____

Owner or Agent of Owner's Company (if applicable): _____

Owner or Agent of Owner's Address (Street number, street name, city, and ZIP code):

Owner or Agent of Owner's Phone Number: _____

Owner or Agent of Owner's Email Address: _____

Other Contact #1 Information (Optional):

Other Contact #1 Relation to Project: _____

Other Contact #1 Name (first and last name): _____

Other Contact #1 Company (if applicable): _____

Other Contact #1 Address (Street number, street name, city, and ZIP code):

Other Contact #1 Phone Number: _____

Other Contact #1 Email Address: _____

Other Contact #2 Information (Optional):

Other Contact #2 Relation to Project: _____

Other Contact #2 Name (first and last name): _____

Other Contact #2 Company (if applicable): _____

Other Contact #2 Address (Street number, street name, city, and ZIP code):

Other Contact #2 Phone Number: _____

Other Contact #2 Email Address: _____

Billing Party

Select **one** Billing Party:

- Applicant Owner or Agent of Owner Other Contact #1 Other Contact #2

Part B. Project Site Information

Project Name: _____

Project Site Address(es): _____

Project Assessor Parcel Number(s): _____

Assessor Parcel Number (APN). To find the APN for your property, visit the Assessor’s Parcel Viewer at assessorparcelviewer.saccounty.gov.

Zoning Designation: _____ Existing Parcel Gross Acres: _____

Resultant Urban Lot 1 (Gross Acres): _____

Resultant Urban Lot 2 (Gross Acres): _____

Project Description:

Part C. Eligibility Criteria

The following eligibility criteria are stipulated in SB-9 [Government Code Section 66411.7(a)(3)]. The applicant is required to verify the following information from the website addresses and Government Code sections that have been provided below.

Note that if any of the questions below in the eligibility criteria section are responded to with a "NO," the project is not eligible for SB-9 review.

The project site is designated as a single-family residential zone (RD-1 through RD-10) or is located within a Special Planning Area (SPA) or Neighborhood Preservation Area (NPA) with a single-family residential designation

(https://generalmap.gis.sacounty.gov/JSViewer/county_portal.html; information provided under "Zoning" heading in Parcel Details tab).

Yes No

The project site is located on a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the U.S. Census Bureau

(https://generalmap.gis.sacounty.gov/JSViewer/county_portal.html; information provided under "SB9 Conditions" heading in Parcel Details tab).

Yes No

The entirety of the project site is located outside each of the following areas/designations:

- Either prime farmland or farmland of statewide importance, as defined pursuant to U.S. 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 (<https://maps.conservation.ca.gov/agriculture/>);
- Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993);
- 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 (<https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones>);
- 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 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/>);
- A floodplain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit 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 floodway as determined by maps promulgated 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 the Code of Federal Regulations (<https://msc.fema.gov/portal/home>);
- 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 (<http://www.per.saccounty.net/EnvironmentalDocuments/Pages/BiologicalPreservation.aspx>);
- 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); and
- Lands under a conservation easement.

Yes No

The project does not involve the demolition or alteration of any of the following housing types:

- Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to moderate, low, or very low income levels;
- Housing that is subject to rent or price control;
- Housing withdrawn from the rental market in the past 15 years; or
- Housing that has been occupied by a tenant in the last three years.

Yes No

The project site is not located within a historic district or included on the State Historic Resources Inventory, or within a site that is designated or listed as a County landmark or historic property or district pursuant to a County ordinance.

Yes No

The project site was not created as a result of a previously approved Urban Lot Split, and neither the owner of the project site nor any person acting in concert with the owner has previously subdivided a parcel adjacent to the project site using an Urban Lot Split.

Yes No

Part D. Urban Lot Split Requirements

Note that if any of the questions below in the urban lot split requirements section are responded to with a "NO," the request will be denied.

The project subdivides the project site into no more than two new parcels of approximately equal lot area, with each resultant parcel (i.e., Resultant Urban Lots 1 and 2) no smaller than 40 percent of the lot area of the original parcel (i.e., project site).

Yes No

Each resultant parcel (i.e., Resultant Urban Lots 1 and 2) is at least 1,200 net square feet in size.

Yes No

The project meets the following minimum required setbacks:

- Front yard – 20 feet without public utilities public facilities (PUPF) easement / 24 feet with PUPF easement;
- Side street yard – 12.5 feet without PUPF easement / 16.5 feet with PUPF easement; and
- Interior 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.

Yes No

The project meets all of the development standards of Sacramento Zoning Code (SZC) Section 5.4.6.

Minor deviations to certain standards (lot width/frontage, front and side street yard setbacks may be approved as part of an Urban Lot Split if applicant can demonstrate that full implementation would physically prevent the development of two dwellings with a unit size of up to 800 square feet on either of the resulting parcels. Requests for deviations to allow dwellings greater than 800 square feet in size cannot be processed as part of an Urban Lot Split Request. If requesting a minor deviation, clearly state request in project description and provide supporting documentation.

Yes No

Part E. Required Materials Accompanying Completed Application

- ✓ **Completed Application.** All sections must be completed and signatures are required in Part G.
- ✓ **Tentative Parcel Map – Urban Lot Split.** Submitted tentative parcel map shall include:
 - Exhibit shall be titled “Tentative Parcel Map – Urban Lot Split”;
 - Subdivision name, date, north arrow, scale, contour intervals, vicinity map showing roads, adjoining subdivision, creeks, railroads and other data sufficient to locate the subdivision;
 - Contact information for property owner, including name, address and telephone number;
 - Contact information of applicant (if different than property owner);
 - Contact information on Registered Engineer or Licensed Surveyor who prepared the tentative map, including name, business address and telephone number;
 - A list of all service providers (i.e., water, sewer, school/park district, etc.);
 - Private sewage disposal systems and water wells shall be shown on the map (if required);
 - Proposed gross and net acreages and square footage of all new parcels;
 - Proposed conceptual buildable area(s) on resultant lots depicting compliance with minimum required setbacks:
 - Front yard – 20 feet without public utilities public facilities (PUPF) easement / 24 feet with PUPF easement;
 - Side street yard – 12.5 feet without PUPF easement / 16.5 feet with PUPF easement; and
 - Interior side and rear yards – 4 feet.
 - Species, circumference and drip line of existing trees with a trunk diameter of four (4) inches or more, and any trees proposed to be removed shall be so indicated;
 - Location of existing structures shall be plotted on the map, labeled and identified (by type of structure), and structures to be removed shall be so marked; and
 - Topographic data, generally two-foot contours except in floodplains where one-foot contours are required.
- ✓ **Signed Affidavit.** A signed affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split. See Part F for SB-9 Affidavit of Residence Form.

Part F. Affidavit of Residence Form

- ✓ The Affidavit of Residence Form is included as the last page in this application, and is required to be completed with signatures.

Part G. Fee Consent, Acknowledgements, and Required Signatures

An initial below indicates that you understand and agree to the item. If you do not understand an item please ask the intake planner for an explanation.

- _____ I agree to pay all fees required to complete processing of this application. I understand that fees paid are non-refundable.

- _____ I understand that pursuant to SB-9 [Government Code Section 66411.7(d)], a local jurisdiction may deny an Urban Lot Split if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(2)(d), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

- _____ I hereby give permission to County staff and other authorized personnel to conduct site inspections and post public notification signs on my property during the processing of this application. I consent to the posting of the address and contact information of all parties to this application on any website maintained by the County of Sacramento (the County).

- _____ I agree not to alter the physical condition of the property during the processing of this application; such as, but not limited to removing trees, constructing or demolishing structures, altering streams, and/or grading or filling. I understand that such alteration of the property may result in the imposition of criminal, civil or administrative fines or penalties, or delay or denial of the project.

_____ Applicant shall defend, indemnify and hold harmless the County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney’s fees, or expert witness costs that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, including any claim for private attorney general fees claimed by or awarded to any party against the County, and shall also include the County’s costs incurred in preparing the administrative record which are not paid by the petitioner. The County shall promptly notify the applicant of any claim, action or proceeding. Notwithstanding the foregoing, the County shall control the defense of any such claim, action or proceeding unless the settlement is approved by the applicant and that the applicant may act in its own stead as the real party in interest in any such claim, action or proceeding.

Applications will **not be accepted** without signature(s) of legal property ownership or official agent / authority to file.

For a signature by an owner’s agent, an attached Letter of Authorization, Power of Attorney, or Contract to Purchase is required to be attached to this application. Signatures must either be electronic certified signatures (i.e. Adobe and DocuSign) or scanned wet signatures. Signatures using a cursive typeface are not acceptable.

The signature below signifies legal authority and consent to file an application in accordance with the information above and on the preceding pages. The signature also signifies that the submitted information and accompanying documents are true and accurate, and that the items initialed above have been read and agreed to.

Owner or Owner’s Agent’s Name: _____

Owner or Owner’s Agent’s Signature: _____ Date: _____

Owner #2’s Name (if applicable): _____

Owner #2’s Signature: _____ Date: _____

Owner #3’s Name (if applicable): _____

Owner #3’s Signature: _____ Date: _____

Todd Smith, Planning Director
Planning and Environmental Review



Dave Defanti, Interim Director
Department of Community
Development

SB-9 Affidavit of Residence

I, _____, born on _____,
aged _____, and being duly sworn, do hereby depose and attest that:

1. I am a resident of the County of _____, in the State of _____.
2. My address is _____.
3. I have been a full-time resident since the date _____.
4. The following people reside with me at the aforementioned address and can attest to the length of my residency there:

Person #1 Name: _____ Person #1 Date of Birth: _____

Person #1 Relationship to Applicant: _____

Person #2 Name: _____ Person #2 Date of Birth: _____

Person #2 Relationship to Applicant: _____

Person #3 Name: _____ Person #3 Date of Birth: _____

Person #3 Relationship to Applicant: _____

5. I agree to comply with the SB-9 residency requirement by occupying one of the housing units created as a result of this Urban Lot Split as my principal residence for a minimum of three years from the date the Urban Lot Split is approved.

Affiant's Signature: _____ Date: _____