



Senate Bill 9 Eligibility Checklist: Urban Lot Splits

The following information and checklist are intended as a guide to help applicants and the Town's Planning Department to determine if an Urban Lot Split project is eligible for processing under Senate Bill 9 (SB 9). To be eligible for SB 9 processing, a project must meet ALL the following criteria, from 1 through 12 and all requirements of Town of San Anselmo Ordinance No. 1160:

Address: _____

APN: _____

1. **SINGLE-FAMILY RESIDENTIAL ZONING.** The project site must be classified as a single-family zoning district. Single-family zoning districts in the Town of San Anselmo include R-1-H, R-1-C, R-1, and SPD R-1.
2. **NUMBER OF LOTS.** The project cannot result in more than two parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel. Both newly created parcels shall be no smaller than 1,200 square feet
3. **DEMOLITION OF EXISTING HOUSING.** The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
 - i. 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.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. A parcel parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.(Cal.Gov.Code Section 65852.21)
 - iv. Housing that has been occupied by a tenant in the last three years.
4. **CONSISTENT WITH OBJECTIVE STANDARDS¹.** The project must conform to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) in effect at the time the application is submitted.

¹ "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 prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

Except as provided in the paragraph above, and notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

5. **HISTORIC DESIGNATION.** The site cannot be an historic landmark or be located within a designated preservation district. To determine if the parcel contains an historic landmark or is located within a preservation district, contact the Community Development Department at planning@townofsananselmo.org or by phone at (415) 258-4600.
6. **PRIOR URBAN LOT SPLIT.** The Parcel has not been established through prior exercise of an urban lot split.
7. **ACTING IN CONCERT.** 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
8. **EASEMENTS.** Easements required for the provision of public services and facilities.
9. **ACCESS.** Each resulting parcels adjoin a public right-of-way.
10. **OFF-STREET PARKING.** Is Off-street parking in the form of one space per unit provided?²
11. **LOCATION.** The project must be located on a property that is outside each of the following areas. Some resources are publicly available in the Town's General Plan EIR or through various state and regional websites. However, we do recommend that you consultant with a professional:
 - a) Either prime farmland or farmland of statewide importance
 - b) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - c) 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 the Town, 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.
 - d) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances

² A local agency shall not impose parking requirements in either of the following instances:

(A) 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.

(B) There is a car share vehicle located within one block of the parcel.

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.

- e) 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.
- f) A flood plain 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.
- g) 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.
- h) 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 (16U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- i) 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).
- j) Lands under conservation easement.

12. HABITATION REQUIREMENTS. Applicant must sign affidavit stating they intend to live in one of the units for 3+ years

I HEREBY CERTIFY under penalty of perjury that the above is true and correct and agree to comply with all Town and state laws regulating this work. I further agree to save, indemnify, and keep harmless the Town of San Anselmo, it's officers and representatives against all liabilities and judgements resulting from, or which may in any way accrue in consequence of the granting of, this permit.

Signature of Property Owner Date

Signature of Applicant Date

Printed Name of Property Owner

Printed Name of Applicant Date

For Town Staff use only:

Application No.: _____

Date Received: _____

These plans and submitted materials are found to conform to the Town of San Anselmo Ordinance 1160.

Approved by: _____

Date: _____

Denied by: _____

Date: _____

If so, why?



TOWN OF
SAN ANSELMO
EST. 1907

Affidavit of Intent to Occupy

Parcel Map for an Urban Lot Split under California Government Code Section 66411.7

The undersigned _____ applicant for a Parcel Map for an Urban Lot Split for the parcel identified as _____, in the Town of San Anselmo, California, more specifically described on Exhibit "A" attached, intends to occupy one of the housing units on the newly created lots as their principal residence for a minimum of three years from the date of the approval of the Urban Lot Split.

The undersigned affiant or declarant affirms or declares under penalty of perjury under the State of California that the foregoing is true and correct.

Dated: _____

Signed: _____

Name of Applicant