

# CA SENATE BILL 9 (H.O.M.E. ACT)

(Government Code Sections 65852.21 and 66411.7)

#### What is it?

In September 2021, the Governor signed into law Senate Bill 9, pertaining to residential development in residential zoning districts for all California cities. The new legislation, effective January 1, 2022, overrides local zoning controls and allows property owners within a single-family residential zone to build two units on each parcel and/ or to subdivide their lot into two parcels, for a total of four units. The law does not apply to multifamily residential zones.

### What are major changes resulting from SB 9?

- City must ministerially approve a project that: 1) proposes two units on a parcel in a single-family residential zoning district; and 2) conforms to the requirements of SB 9.
- City must ministerially approve a project that: 1) proposes to split a parcel in a single-family residential zoning district into two parcels; and 2) conforms to the requirements of SB 9.
- The lot split and two unit provisions may be used together, which allows for a maximum of four units where there was previously one (potential combinations shown on page 3).
- City cannot establish standards that would prevent up to two residences of 800 sf or less on each parcel in a single family zoning district.
- Legal non-conforming structures may remain as-is when SB 9 is used.
- The law establishes new, less stringent, development standards for residential units and parcels created by using SB 9.

#### How does SB 9 interact with state Accessory Dwelling Unit (ADU) law?

- Properties within single family zones may combine the provisions of SB 9 with state ADU law.
- ADU law specifies a number of ADUs/ JADUs allowed on each parcel based on use, not zoning.
  Therefore, the number of ADUs/ JADUs allowed is directly related to how many primary dwelling
  units are located on the parcel. For example, if one primary dwelling unit is located on the parcel,
  up to one ADU may be placed on the property as allowed by state ADU law.
- However, under SB 9, ADUs count towards the maximum number of units allowed on a parcel when a lot split occurs. A maximum of four units, including ADUs, are allowed where there was previously one (potential combinations shown on page 3).

### How do I apply for an SB9 project?

<b>Proposal for ministerial approval of two units on single parcel*:</b> These applications will be reviewed ministerially through a Building Permit submittal. Please submit the materials listed in the following section to the Livermore Permit Center.
<b>Proposal for ministerial lot split*:</b> These applications will be reviewed ministerially through the Engineering Division's Final Map process. Please submit the materials listed in the following section to the Livermore Engineering Division.

\*Please note, if proposing both a lot split and two unit approval, the lot split shall be approved and recorded prior to submitting for any two unit Building Permits.

Updated April, 2022

City Hall 1052 South Livermore Avenue phone: (925) 960-4450 www.cityoflivermore.net

Livermore, CA 94550 fax: (925) 960.4459 TDD: (925) 960.4104

#### What documents do I need to submit?

Mir	nisterial Approval of Two Units
	A completed <b>General Construction Permit Application</b> . See Page 9.
	Also available online at: <a href="http://www.cityoflivermore.net/civicax/filebank/documents/5651">http://www.cityoflivermore.net/civicax/filebank/documents/5651</a>
	<u>Please note</u> : Building staff will determine application completeness at the permit counter. Incomplete
	applications will not be processed.
	Local Compliance Affidavit. See Page 8.
	<b>Site Plan</b> showing existing parcel lines, parcel dimensions, proposed unit footprints with dimensions, and all setback dimensions.
	<b>Elevations</b> of all sides of existing and proposed primary dwellings and accessory dwellings, including height dimensions.
	Colors and Materials sheet showing proposed colors and materials for each unit.
	One (1) Floor Plan to scale with exterior dimensions.
	Three (3) sets of <b>Construction Drawings</b> , minimum size 24"x 36" (including Site Plan that clearly shows setback dimensions from property lines and square footages).
	Three (3) sets of Fire Sprinkler Plans.
	Two (2) sets of <b>Structural Calculations</b> (Exception: Existing buildings and additions that meet conventional light-frame construction are not required to be engineered. Permit Center staff can determine if this exception applies to your project).
	Two (2) sets of <i>Energy Calculations</i> (Title-24 documentation).
	Two (2) sets of <i>Truss Calculations</i> (if manufactured trusses are being utilized). This can be deferred submittal.
	One (1) <b>Zone 7 Impervious Surface Worksheet</b> . See Pages 10 and 11. Also available online at: <a href="http://zone7water.com/images/pdf">http://zone7water.com/images/pdf</a> docs/permits/Zone 7 impervious surface calc form 121919. pdf
	One (1) City of Livermore Clean Water Site Measures Declaration. See Page 12.
Mir	nisterial Lot Split (Via Final Map Process)

☐ Local Compliance Affidavit. See Page 8.

 $\square$  All documents required by the attached **Final Parcel Map Checklist**.

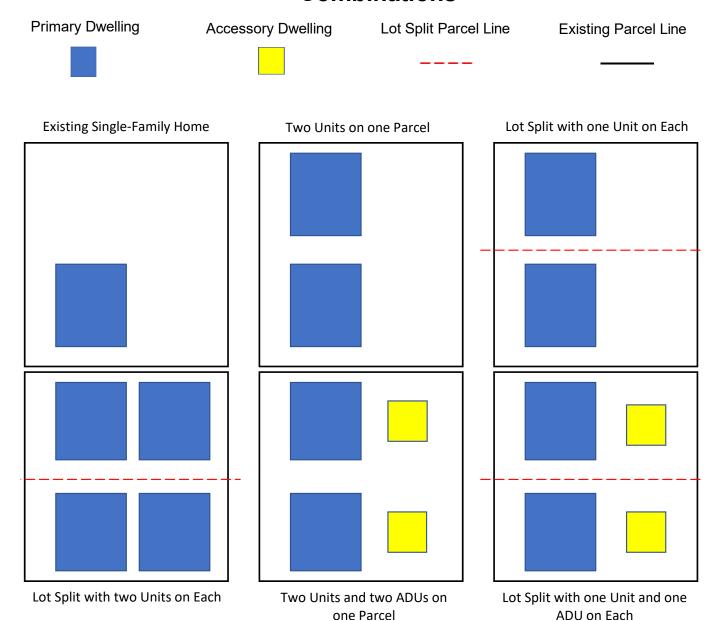
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(925) 960-4450

phone:



# SB9 and ADU Potential Combinations



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# **Criteria Checklist for Ministerial Approval of Two Units**

The following standards apply to all SB 9 projects seeking ministerial approval of two units on a single parcel within a single family zoning district.

Location	
Location	<ul> <li>Permitted in all single-family residential zoning districts, including Planned Development (PD) districts and Planned Unit Development (PUD) districts where single family uses are allowed.</li> <li>Please note, in PDs and PUDs that allow for multiple uses in different geographic areas (e.g. South Livermore Valley Specific Plan), SB 9 only applies to the residential parcels.</li> <li>SB 9 cannot be used on parcels within any of the following:         <ul> <li>Multifamily zoning districts</li> <li>Prime farmland, farmland of statewide importance, land dedicated for agricultural protection by zoning or local ballot measure</li> <li>Wetlands</li> <li>Very High Fire Hazard Severity Zone</li> <li>Hazardous Waste Site</li> <li>Earthquake Fault Zone, unless complying with seismic protection building code standards</li> <li>Special Flood Hazard Area (100-year flood), unless satisfying FEMA requirements</li> <li>Within a Regulatory Floodway, as determined by FEMA, unless satisfying federal requirements</li> <li>Lands identified for conservation in an adopted Natural Community Conservation Plan</li> <li>Habitat for protected species (candidate, sensitive, special status)</li> </ul> </li> <li>Conservation Fassment</li> </ul>
2 11 1	<ul> <li>Conservation Easement</li> <li>Historic District or Historic property</li> </ul>
Setback	A Frank Hadaulting vaning dietriet!
	<ul> <li>Front: Underlying zoning district applies</li> <li>Rear, Side, Side Street: Minimum Four feet</li> <li>Shall not require any changes to setback for existing structure or new structure constructed in same location.</li> <li>Shall not deny application for adjacent or connected structures if structures meet building code and can be separately conveyed</li> </ul>
Height	
	Underlying zoning district applies
Coverage	<ul> <li>Underlying zoning district applies, except City shall not preclude two units of at least 800 sf in size on each parcel.</li> </ul>
Parking	
	<ul> <li>One off street parking space per unit, but no parking required if:         <ul> <li>The parcel is located within ½ mile of high-quality transit corridor (a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours) or major transit stop (a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus</li> </ul> </li> </ul>

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Anti-Displacement Criteria	routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods)  The parcel is located within one block of carshare		
And-Displacement Criteria	A collected that the standard band on the standard to the stan		
	Applicant shall sign the attached local compliance affidavit affirming all of the following.		
	<ul> <li>Project shall not:         <ul> <li>Demolish or alter affordable housing with restricted rents for moderate, low, or very low income residents</li> <li>Demolish or alter housing subject to rent control</li> <li>Demolish or alter housing occupied by a tenant within last the years</li> <li>Demolish more than 25% of the existing exterior residential structural walls, unless:</li></ul></li></ul>		
Health + Safety and	Rental of all units shall be more than 30 days		
Design Review			
	<ul> <li>If parcel contains septic facilities, percolation test required within last 5 years or within 10 years if recertified.</li> <li>Building Official may deny project if it would have a specific, adverse impact (significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete) upon health and safety or physical environment and if there is no way to mitigate.</li> <li>City may use objective design standards.</li> </ul>		

phone:

fax:



# **Criteria Checklist for Ministerial Lot Split**

The following standards apply to all SB 9 projects seeking ministerial approval of a lot split of one existing parcel within a single-family zoning district.

	within a single-family zoning district.
Location	
LUCATION	<ul> <li>Permitted in all single-family residential zoning districts, including Planned Development (PD) districts and Planned Unit Development (PUD) districts where single family uses are allowed.</li> <li>Please note, in PDs and PUDs that allow for multiple uses in different geographic areas (e.g. South Livermore Valley Specific Plan), SB 9 only applies to the single-family residential parcels.</li> <li>SB 9 cannot be used on parcels within any of the following:         <ul> <li>Multifamily zoning districts</li> <li>Prime farmland, farmland of statewide importance, land dedicated for agricultural protection by zoning or local ballot measure</li> <li>Wetlands</li> <li>Very High Fire Hazard Severity Zone</li> <li>Hazardous Waste Site</li> <li>Earthquake Fault Zone, unless complying with seismic protection building code standards</li> <li>Special Flood Hazard Area (100-year flood), unless satisfying FEMA requirements</li> <li>Within a Regulatory Floodway, as determined by FEMA, unless satisfying federal requirements</li> <li>Lands identified for conservation in an adopted Natural Community Conservation Plan</li> <li>Habitat for protected species (candidate, sensitive, special status)</li> <li>Conservation Easement</li> <li>Conservation Easement</li> <li>Conservation Easement</li> <li>Conservation Easement</li> <li>Part of the protected species (candidate, sensitive, special status)</li> <li>Conservation Easement</li> <li>Primary Plan</li> <li>Conservation Easement</li> <li>Primary Plan</li> <li>Conservation Easement</li> <li>Primary Plan</li> <li>Conservation Easement</li> <li>Primary Plan</li> <li>Primary Plan</li></ul></li></ul>
Parcel Size and Density	Historic District or Historic property
Parcei Size and Density	A Minimum negation is 1 200 courses feet
	<ul> <li>Minimum parcel size is 1,200 square feet</li> <li>Neither parcel can be smaller than 40% of the size of the original lot</li> <li>No minimum parcel dimensions required, except minimum parcel width of five feet on flag lots.</li> <li>A maximum of two units allowed on each parcel. "Unit" includes primary dwelling, ADU, or JADU.</li> <li>Shall not preclude two units of at least 800 square feet in size on each resultant parcel.</li> </ul>
Development Standards	
	<ul> <li>Shall not require setback for existing structure or new structure constructed in same location.</li> <li>Shall not require correction of nonconforming zoning conditions.</li> <li>Shall not deny application for adjacent or connected structures if structures meet building code and can be separately conveyed</li> <li>For new structures, see two-unit section.</li> </ul>
Access and Improvements	
•	<ul> <li>New parcels must adjoin public right of way or have access to public right of way.</li> <li>Access can mean through fee title or easement.</li> <li>Minimum easement or parcel width shall be five feet.</li> </ul>

	<ul> <li>May require easements for public services and facilities, if needed.</li> <li>Shall not require right-of-way dedication or offsite improvements         <ul> <li>Offsite improvements include frontage improvements like sidewalk, curb, and gutter.</li> </ul> </li> </ul>		
Parking			
	<ul> <li>One off street parking space per unit, but no parking required if:         <ul> <li>The parcel is located within ½ mile of high-quality transit corridor (a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours) or major transit stop (a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods)</li> </ul> </li> <li>The parcel is located within one block of carshare</li> </ul>		
Anti-Displacement Criteria			
	Applicant shall sign the attached local compliance affidavit affirming all of the following.		
Health + Safety and	<ul> <li>Project would not:         <ul> <li>Demolish or alter affordable housing with restricted rents to moderate, low, or very low income</li> <li>Demolish or alter housing subject to rent control</li> <li>Demolish or alter housing occupied by a tenant within last three years</li> <li>Propose units on a parcel where the owner withdrew rent or lease accommodations (Government Code Section 7060) within last 15 years</li> </ul> </li> <li>Parcel has not been previously subdivided using SB9</li> <li>Adjacent parcel has not been previously subdivided by the same owner or representative</li> <li>The property owner intends to occupy one of the units as their principal residence for at least 3 years, unless the owner is a land trust or non-profit corporation</li> <li>Rental of all units shall be more than 30 days</li> </ul>		
Health + Safety and Design Review			
	<ul> <li>Shall require that uses on new parcels are residential</li> <li>Shall conform to all objective standards of Subdivision Map Act (Government Code Section 66410)</li> <li>City may use objective design standards</li> <li>Building Official may deny the project if it would have a specific, adverse impact (significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete) upon health and safety or physical environment and if there is no way to mitigate</li> </ul>		

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www.cityoflivermore.net

Updated April, 2022



# CA Senate Bill 9 (H.O.M.E. Act) Local Compliance Affidavit

# <u>Please read and initial all of the following statements, if applicable, prior to</u> <u>submitting an SB 9 application</u>

Initials		
	I certify under penalty of perjury that the following statements are true	and correct, to the best of my knowledge.
	The project will not demolish or alter affordable housing with restricted as defined by the CA Department of Housing and Community Develop	
	The project will not demolish or alter housing subject to rent control.	
	The project will not demolish or alter housing occupied by a tenant with	in the last three years.
	The project will not propose units on a parcel where the owner withdre 15 years, pursuant to CA Government Code 7060.	ew rent or lease accommodations within the last
	Rental periods for any residential units on the property shall be more t Short-Term rental regulations (Livermore Municipal Code Chapter 5.9	
	The property owner intends to occupy one of the units as their principal land trust or non-profit corporation [Ministerial Lot Split only].	I residence for at least 3 years, unless the owner is a
	The parcel has not been previously subdivided using the provisions of	CA Senate Bill 9 (H.O.M.E. Act) [Ministerial Lot Split only].
	Neither the owner of the parcel being subdivided nor any person or er subdivided an adjacent parcel using CA Senate Bill 9 (H.O.M.E. Act)	
Applica	ant(s) Signature(s): 1	2
	Date:	Date:

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City Hall

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#### Application for Construction Permit - Email to: permitcenter@cityoflivermore.net

	-For Office Use Only-		
Date Received:	Permit Number:	Bin Number:	
Date Ready to Issue:	Total Fees Required		
Date Applicant Contacted:	Contacted By:		
Project Address:		APN#	
Applicant's Name:	Tele	ephone #	
		StateZip Code	
Email address:			
PROPERTY OWNER:	CONTI	RACTOR (If owner/builder, check here	<u>a)</u>
Name:			
Address:		ss:	
City/Zip:		p:	
Telephone Number:		none Number:	
email address:		address:	
	State L	_icense Number:	
Tenant Name:	Archited	ct/Engineer Name:	
Telephone Number:	Email a	address:one Number:	
Project is: Residential C Type of Work is: New Building/Stru		Educational PV EV AI nt Improvement Deck/Patio Cover	DU Other
Description of proposed work:			
	Project Va	aluation \$(Required for Building Perr	:
		· · · · · ·	,
• • •		f Stories: Zoning Use:	
Fire Sprinklers: (Existing Buildings	s only) Do any of the Building	ngs have fire sprinklers? Yes N	lo
Mail to: (Property	Owner or Contractor) Will Pick-up	Date Time:	
Print Applicant Name:			
Applicant's Signature:			
Call f	for CREDIT CARD PAYMENT	<b>–</b> 925-960-4410	



Development and Building Application Information
Complete at both: 1) development application stage (Tract/Parcel Map) and 2) building application stage (Building Permit Application)

(Circle One) City of : Dublin | Livermore | Pleasanton or

7 - FL000	Alameda County	/ (Unincorpoi	ated Areas of	Amador-Liver	rmore valley)	
Date of Application: _			Date of Tra	nsaction:		
Type of Application:					$\Box$ Building Permit	i
Project Location or A	ddress*:				, CA	
(Please attach a p	project location map w	vith application	1)			
Project Type:   Comm	nercial 🗆 I	Industrial	□ Res	sidential		
Applicant's Name: Owner						
□ Owner Applicant's Address:		or	☐ Engineer/A	rchitect	□ Developer	
Applicant's Phone:					_	
Email:						
Parcel/Tract No.:						
Total Lot (or Parcel/1	Γract) Area in Sq.Ι	Ft*				
(Please attach a	plot plan identifying	g the total im	pervious areas	s for each lot	or parcel/tract)	
·			•		•	
	0 ( +	Pre-Project	Condition of	Proposed	Post-Project	
	ous Surface*	_	rcel/Tract in		on of Lot	
Desc	criptions		Applicable)		ract in Sq.Ft.	
Building(s) Foo			7.100100000	01 1 01 00 1/1	rast iii sqii ti	
0 1 7	ached Garage)					
	Patio(s), Parking					
Lot, Imperviou						
	age(s), Carport(s),					
	r Misc. Structures					
	elling Unit (ADU)			**		
Accessory Dwe	alling offit (ADO)					
Off-lot Imperv	ious Surface					
(Streets, Sidev		ſ	N/A			
	rvious Surfaces			***		
	Parcel/Tract)					
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<u> </u>					75 (1) 0 7 1	,
* For explanations or interpre ** ADU area of 750 Sq.Ft. or					75 Utang@zone/water.c	om)
*** Indicates field required by					av also apply.	
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Surface Square Footage	•			20 <u>07111022</u>	ii the importi	043
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Cianature of An	nlicant			D	ato	—
Signature of Ap	For Office Use Onl	ly – To be fille	d out by City/Co		ate	
	TO STREE OSC OTH	J .o se inte	L July Olly/ Ol	y stari		
Form received at Building cou	nter and Amount Due ca	alculated By:		Date:		
Total Impervious Sq. Et :	v ¢1 ∩	) (Effective 1/1	/2020) =	\$	Amount Due	

1% Administration Fee Retained by Collecting Agency = \$

"Impervious Surface" means the total area of a parcel of real property covered by an impervious surface. An "impervious surface" is any surface on or in any parcel that reduces the rate of natural infiltration of storm water into the soil, including, but not limited to, any area occupied by buildings, structures, driveways, streets, sidewalks, asphalt, concrete, compacted gravel, or other non-porous or semi-porous substance.

# Single Family Residential Lot

## **CLEAN WATER SITE MEASURES DECLARATION**

Projec	ct Address:	Date:
Note:	See Building Permit Application Form	for the project description and other details.
Site	Measures for Single Family Resid	ential Lot
Α.	Site Measures	
∉	Direct roof runoff into cisterns or rain	barrels and use for irrigation or other acceptable non-potable use.
∉	Direct roof runoff onto vegetated area	S.
∉	Direct runoff from sidewalks, walkwa	
∉	<u>•</u>	incovered parking areas onto vegetated areas.
∉	Construct sidewalks, walkways, and/o	•
∉	•	d parking areas with permeable surfaces.
		at cannot be easily penetrated by water, such as roofed areas, lings/sheds, compacted soils, or rock outcrops.
C.	Resources: Please visit Alameda Cour	nty Clean Water Program at: <a href="http://acgov.org/pwa/programs/water.htm">http://acgov.org/pwa/programs/water.htm</a>
Pro	oject Type Declaration	
	Regulated Project Tract#	or Parcel Map#
		velopment (Regulated) project and must comply with all Complete the C3 Stormwater Requirements Checklist Form and application.
	Note: Incorporating one or more o	500 square feet or more of impervious surface on the site.  If the Site Measures into the project is required and must be showness must be treated to the Maximum Extent practicable.
	All Other Projects:	
	• The project will <i>not</i> create/replace	ce 2,500 square feet or more of impervious surface on the site.
	Note: Incorporating Site Measures surfaces must be treated to the Ma	s into the project is highly encouraged. All impervious eximum Extent practicable
Ack	knowledgement	
am t	the project Owner/Tenant Arch/E	ng/Designer Contractor Other (Please Specify)
[ barre	e read, understand and agree with the aborty owner, designer, and contractor for	pove clean water provisions and I will take one copy of this form to the their use.
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prope	eD	vate:Print Name:
prope nature		vate:Print Name:
proper nature	FICIAL USE ONLY	
proper nature OFF	ricial USE ONLY	Project APN#:
proper prature R OFF ineering ecked	Ing Staff Verification In the plan and, to the best of my knowled	Print Name:  Project APN#:  lge, this project is a: Regulated Small Other project.  ate:  Print Name:

# **SB9 Submittal Checklists**

	1. [Is your property located in a Single Family Zoning district? Yes No (Contact the Planning Division to confirm 925-960-4450)					
	2. Are you applying for a lot split? Yes No (If Yes, please fill out checklist A below)					
	3. Are you proposing any additional dwelling units at this time? Yes No (If Yes, please fill out checklist B below)					
۹.	PARCEL MAP CHECKLIST FOR SB9 SUBMITTALS					
=11	NAL MAP NO					
	e map being submitted with this checklist has been checked by me or under my ection for conformance to the items of this checklist.					
Со	ompany Name					
Sig	gnature: LS or RCE No.:					
۱a	ıme printed: Date:					
Ге	elephone No E-mail					
<b>A</b> (	complete submittal includes the following:					
۱.	One copy of the existing map that created the original parcel.					
2.	Four copies of the proposed final map.					
3.	Two copies of the Title Report (dated within the last six months).  Note: "Pro-Forma" Title Reports are not acceptable.					
١.	One copy of each of the easement or other additional documents noted within title report.					
5.	Two copies of the Closure calculations which include the following:					
	<ul> <li>a. Boundary closures</li> <li>b. Boundary ties</li> <li>c. Block closures</li> <li>d. Street closures (dedications)</li> <li>e. Individual lot closures</li> </ul>					

Monument to monument closures

# **SB9 Submittal Checklists**

- g. Monument line increments and ties to side line closures
- h. Easement closures (if not concentric or parallel)
- Common Area closure
- 6. Two copies of deeds for the subject property and for adjoining properties.
- 7. Two copies of maps and documents referenced on the map.
- 8. The Map check fee.
- 9. This map checklist.
- 10. Provide one copy of an exhibit showing:
  - a. Existing and proposed property boundary lines
  - b. Existing and proposed utilities
  - c. Existing and proposed easements (including access easements)
  - d. Existing and proposed structures
    - i. Including public infrastructure (i.e. curb, gutter, sidewalk and driveway approaches)
    - ii. Proposed elevation views including a 75 degree ground ladder exhibit for second story or eaves (if applicable)

#### B. CHECKLIST FOR PROPOSED MINISTERIAL DWELLING UNITS

- 1. Provide proposed grading and drainage plans showing functional stormwater runoff with no ponding.
- 2. Provide proposed and existing utility plan and identify tie-in locations.
  - a. If new accessory dwelling unit proposed, utilities are to be provided from existing single-family residence.
  - b. If new single-family residence proposed, provide new utility connections from public right of way.
- 3. Provide fire access to any new proposed dwelling unit with a minimum 5 feet of clearance. If access to the proposed dwelling unit is greater than 150 feet from the centerline of the public right of way to furthest exterior wall, additional fire code requirements may be required.