



## Senate Bill 9 Eligibility Checklist: Two Unit Developments

The following information and checklist are intended as a guide to help applicants and the City's Planning Division determine if a Two Unit Development 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 9:

Project Address: \_\_\_\_\_

- 1. SINGLE-FAMILY RESIDENTIAL ZONING.** The project site must be classified as a single-family zoning district. Single-family zoning districts in the City of Santa Rosa include RR-40, RR-20, R-1-15, R-1-9, R-1-7.5, R-1-6, and Single Family Planned Developments. To find the parcel's zoning district please visit: <https://srcity.org/1263/Find-Your-Zoning-District>.
- 2. NUMBER OF UNITS.** The project cannot result in more than two primary residential units on the parcel. Accessory Dwelling Units and Junior Accessory Dwelling units may be allowed in addition to the two primary residential units, in accordance with Zoning Code Section 20-42.130.
- 3. DEMOLITION OF EXISTING HOUSING.** The proposed housing development would not require demolition or alteration of any of the following types of housing:
  - (A) 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.
  - (B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
  - (C) Housing that has been occupied by a tenant in the last three years.
- 4. HOUSING WITHDRAWN FROM RENT.** The proposed housing development is not a parcel on which an owner has exercised rights under the Ellis Act (California Government Code Chapter 12.75) within 15 years before the date that an application is submitted.
- 5. CONSISTENT WITH OBJECTIVE STANDARDS<sup>1</sup>.** The project must meet all objective zoning and development standards in effect at the time the application is submitted, unless the development standards would preclude two primary units that are 800 square feet in size, or if

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<sup>1</sup> Objective standards are those that require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal.

the development of a unit includes the conversion of, or the construction of a unit within the same location of, an existing structure.

- 6. PARKING.** At least one-off street parking space provided per unit, except no off-street parking is required when:
  - The parcel is located within one-half mile walking distance of either a high-quality transit corridor, defined as a bus route with 15-minute headways shown on this [map](#), or an existing SMART Station.
  - There is a car share vehicle located within one block of the parcel.
  
- 7. 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, visit <https://srcity.org/1263/Find-Your-Zoning-District>, enter the site address, and click the Historic Properties box on the left portion of the screen.
  
- 8. SHORT TERM RENTALS.** The rental of any unit created pursuant to this process shall be for a term longer than 30 days.
  
- 9. LOCATION.** The project must be located on a property that is outside each of the following areas. **Some resources are publicly available in the [City's General Plan EIR](#) or through various state and regional websites. However, we do recommend that you consult with a professional:**
  - Either prime farmland or farmland of statewide importance
  - 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. This does not apply to sites excluded from the specified hazard zones by the City, 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.
  - 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.
  - 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.

- 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.
- 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.
- 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.
- 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).
- Lands under conservation easement.