



SB 9 APPLICATION PROCESS

1

FIRST – PLEASE VERIFY THAT YOUR PARCEL QUALIFIES FOR SB 9

To determine if your parcel within the unincorporated County potentially qualifies for SB 9, please visit the following link:

[CA Senate Bill 9 \(SB9\) \(sandiegocounty.gov\)](https://sandiegocounty.gov)

Parcels within the **ORANGE** areas **potentially qualify** for SB 9.

Parcels within the **BLUE** areas **do not qualify** for SB 9.

If your parcel **does qualify** for SB 9, please see below

SUBDIVIDE

DEVELOP

2

Submit an application for a SB 9 Tentative Parcel Map (SB 9 TPM) to begin the process of subdividing the parcel into 2 lots.

The application for an **SB 9 TPM** can be found [here](#).

3

Staff will review documents, forms, plans and potentially request for revisions to be made. Processing includes analysis of the proposed project in accordance with relevant ordinances.

4

Once the SB 9 TPM application has been approved, all conditions (if applicable) must be satisfied. The Parcel Map must be approved by the Department of Public Works and be recorded in the Office of the County Recorder.

2

Submit building plans and apply for a building permit to potentially construct up to two dwellings per lot.

The **building permit application** can be found [here](#).

3

Staff will review documents and plans and potentially request for revisions to be made.

4

Once plans have been approved by all reviewing disciplines the building permit can be issued and construction begins.

* The required permits and processing times can vary depending on the nature and complexity of a project and the completeness of the documents submitted.

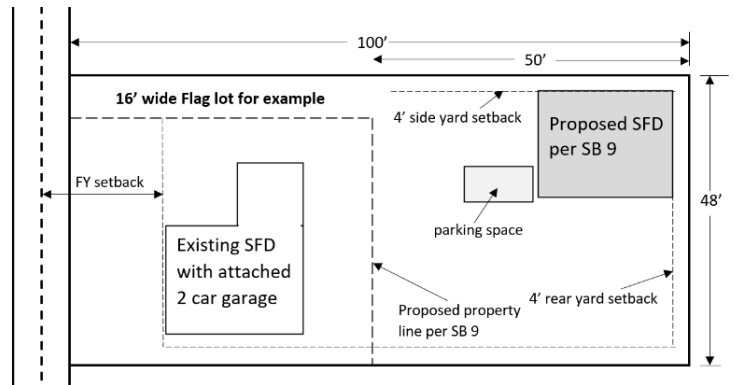


THIS CHECKLIST IS DESIGNED TO PROVIDE PROPERTY OWNERS WITH A GENERAL OVERVIEW OF THE SB-9 REQUIREMENTS.

In addition to the SB-9 TPM requirements, please see additional SB-9 requirements **and Important Notes** below:

1. PROJECTS MUST MEET ALL OF THE PREREQUISITES LISTED BELOW TO POTENTIALLY QUALIFY FOR THE MINISTERIAL APPROVAL OF A TWO-LOT SUBDIVISION/PARCEL MAP

- ☐ The legal parcel must be completely within the boundaries of an Urbanized Area, or Urban Clusters.
- ☐ Parcel must be within a single-family residential zone.
- ☐ New parcel should be equal in area or must be at least 40% of the original parcel's size (60/40 or 50/50 split – see sample).
- ☐ Each new parcel must be at least 1,200 square feet in lot size.
- ☐ There cannot be a sequential subdivision on the same parcel, nor can there be a subdivision if the owner of the parcel being subdivided (or someone working in concert with that owner) has subdivided an adjacent parcel per SB-9.
- ☐ The subject parcel is not located within:
 - A historic district, or California Historical Resources Inventory, historic property, or landmark.
 - Is not prime farmland, or farmland of statewide importance.
 - Does not contain wetlands, is not within a 100-year flood zone, or within a floodway.
 - A very high or high fire severity zone.*
 - A hazardous waste or hazardous list site.
 - A delineated earthquake fault zone.
 - Is not identified for conservation in an adopted natural community conservation plan.
 - Does not contain habitat for protected species or is not lands under a conservation easement.
- ☐ The proposed subdivision does not result in the demolition or alteration of any of the following types of housing:
 - Affordable housing for persons or families of moderate, low, or very low incomes.
 - Rent-controlled housing.
 - Housing that has been occupied by a tenant in the past three years.
 - The property owner exercised the right to withdraw accommodations from rent or lease within the last 15 years.



*It is strongly encouraged that you contact the appropriate fire district **prior** to starting an SB9 project to ensure you comply with the proper fire mitigation measures.



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- ☐ A parcel or 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 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent applies.
- ☐ The subject parcel has not already been established/subdivided per SB-9.
- ☐ The subject parcel(s) must provide legal access rights through an existing easement to a public road, or ROW.
- ☐ The subject parcel must provide at least one off-street parking space per unit, except if
 - ☐ Parcel is located within ½ mile walking distance of high-quality transit corridor, or major transit stop.
 - ☐ Or parcel is located within one block of a car share vehicle lot.
- ☐ Owner must sign an affidavit stating to occupy one of the housing units as their principal residence for a minimum of three years (unless the applicant is a community land trust or a qualified non-profit corporation).
- ☐ Rental of any unit(s) must be at least for 31 days or more.
- ☐ The subject parcel(s) are limited to residential uses.
- ☐ SB-9 projects/properties are limited to a maximum of two units on each lot. This may include a primary unit and an ADU or a JADU, but no more than a total of two units per lot.
- ☐ Project sites that contain a "R" Special Area Designator are subject to the California Coastal Act of 1976.
- ☐ It requires approval of a Tentative Parcel Map (TPM) and recordation of a Parcel Map (PM).

IMPORTANT NOTES:

- ☐ If your property takes access through a dead-end fire apparatus access road, we would strongly recommend contacting the appropriate Fire District before you make any major investment in time and money. Dead-end fire apparatus access roads of more than 150' in length will require a fire turnaround within 50 feet of the residence or a secondary access road.
- ☐ Note: Processing of a subdivision under SB-9 does not preclude the need for future environmental analysis in accordance with the California Environmental Quality Act (CEQA) at the time of grading and development of the site. Depending on the grading quantities, and certain development requirements, CEQA review may be required. Environmental Analysis under CEQA could result in the need for preparation of environmental studies, the preparation of a CEQA document and the fulfillment of identified mitigation, at the expense of the applicant. To receive environmental information, a review of environmental documents can be conducted at the time of the processing of the SB-9 TPM application with an additional deposit.
- ☐ New development is subject to Storm Water requirements and BMP regulations. Please see [Best Management Practice Design Manual Webpage](#) for additional information.
- ☐ In addition to regular building permits, special regulations may apply to construction in the floodplain and/or floodway. Qualified County staff are available at the Flood Control Counter at the County's Operation Center at 5510 Overland Avenue, Suite 110, San Diego to discuss your options and to help you plan and build a safe project while complying with the County [Flood Damage Prevention Ordinance](#).

5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123 | (858) 694-8985 |

<http://www.sdcountry.ca.gov/pds>

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- ☐ If subject parcel is on septic, please contact DEHQ at LWQDuty.DEH@sdcounty.ca.gov before you make any major investments in time and money.
- ☐ Once you have determined that your 2-lot TPM proposal complies with all the SB-9 requirements listed, we would strongly recommend contacting the appropriate Water Department, Sewer Department and/or Department of Environmental Health and Quality to ensure that the proposed TPM complies with their requirements. Please use our Geographic Information System (GIS) website to find the appropriate districts/ departments. See link below:
https://gis-public.sandiegocounty.gov/Html5Viewer/Index.html?viewer=PPM_Public5
- ☐ It is the owner/applicant's responsibility to ensure that no federal, state or county laws, ordinances, regulations, or policies, including, but not limited to the Federal Endangered Species Act and any amendments thereto are violated. If any state or federal permits are required, it is the owner/applicant's responsibility to obtain those permits before any clearing, grading or construction occurs on the site. Other permits that maybe required include the Migratory Bird Treaty Act, and any structures older than 45 years may require an evaluation as a potential historic resource.
- ☐ If your property is within a Homeowner Association (HOA) or has Conditions, Covenants, and Restrictions (CC&R's), please verify that a project under SB 9 would not be in conflict with your property's CC&R's, or HOA rules. In addition, some properties may have recorded CC&R's without establishment of an HOA. Property owners must verify that the property's CC&R, or HOA rules are not in conflict with SB9.

If you have additional questions regarding SB-9 TPM application, we strongly recommend requesting an Initial Consultation Meeting. The purpose of an Initial Consultation meeting is to identify major issues early in the application process. (please see link below)

https://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/formfields/PDS-PLN-ESUB_Initial_Consult_Meeting.pdf

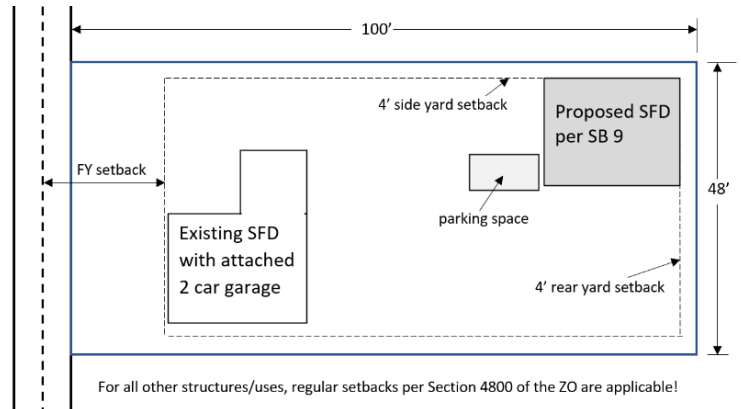
See Residential development requirements for up to two residential units below:



In addition to the building permit requirements, see additional SB-9 requirements **and Important Notes** below:

2. PROJECTS MUST MEET ALL OF THE PREREQUISITES LISTED BELOW TO POTENTIALLY QUALIFY FOR THE MINISTERIAL APPROVAL OF UP TO TWO DWELLING UNITS ON A SINGLE-FAMILY ZONED PARCEL.

- ☐ The legal parcel must be completely within the boundaries of an Urbanized Area, or Urban Clusters.
- ☐ Parcel must be within a single-family residential zone.
- ☐ The subject parcel is not located within:
 - A historic district, or California Historical Resources Inventory, historic property, or landmark.
 - Is not prime farmland, or farmland of statewide importance.
 - Does not contain wetlands, is not within a 100-year flood zone, or within a floodway.
 - Within a very high or high fire severity zone.*
 - Within a hazardous waste or hazardous list site.
 - Within a delineated earthquake fault zone.
 - Is not identified for conservation in an adopted natural community conservation plan.
 - Does not contain habitat for protected species or is not lands under a conservation easement.
- ☐ The proposed project does not result in the demolition or alteration of any of the following types of housing:
 - Affordable housing for persons or families of moderate, low, or very low incomes.
 - Rent-controlled housing.
 - Housing that has been occupied by a tenant in the past three years.
 - The property owner exercised the right to withdraw accommodations from rent or lease within the last 15 years.
 - A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits the building permit application.
 - The proposed development does not allow the demolition of more than 25% of the existing exterior structural walls unless the project has not been occupied by a tenant in the last three years.
- ☐ The project must provide legal access rights through an existing easement to a public road, or ROW.



*It is strongly encouraged that you contact the appropriate fire district **prior** to starting an SB9 project to ensure you comply with the proper fire mitigation measures.



- ☐ The proposed project must provide at least one off-street parking space per unit, except if
 - ☐ Parcel is located within ½ mile walking distance of high-quality transit corridor, or major transit stop.
 - ☐ Or parcel is located within one block of a car share vehicle lot.
- ☐ Owner must sign affidavit (PDS-601).
- ☐ Rental of any unit(s) must be at least for 31 days or more.
- ☐ The subject parcel(s) is limited to residential uses.
- ☐ SB-9 projects/properties are limited to a maximum of four units on the initial lot. This may include two primary units, an ADU and a JADU, but no more than a total of four units on the lot.
- ☐ Project sites that contain a “R” Special Area Designator are subject to the California Coastal Act of 1976.

IMPORTANT NOTES

- ☐ We would strongly recommend contacting the appropriate Fire District before you make any major investment in time and money.
- ☐ Note: Processing of a building under SB-9 does not preclude the need for future environmental analysis in accordance with the California Environmental Quality Act (CEQA) at the time of grading and development of the site. Depending on the grading quantities, and certain development requirements, CEQA review may be required. Environmental Analysis under CEQA could result in the need for preparation of environmental studies, the preparation of a CEQA document and the fulfillment of identified mitigation, at the expense of the applicant.
- ☐ New development is subject to Storm Water requirements and BMP regulations. Please see [Best Management Practice Design Manual Webpage](#) for additional information.
- ☐ In addition to regular building permits, special regulations may apply to construction in the floodplain and/or floodway. Qualified County staff are available at the Flood Control Counter at the County’s Operation Center at 5510 Overland Avenue, Suite 110, San Diego to discuss your options and to help you plan and build a safe project while complying with the County [Flood Damage Prevention Ordinance](#).
- ☐ If subject parcel is on septic, please contact DEHQ at LWQDuty.DEH@sdcounty.ca.gov before you make any major investments in time and money.
- ☐ Once you have determined that your proposal complies with all the SB-9 requirements listed, we would strongly recommend contacting the appropriate Water Department, Sewer Department and/or Department of Environmental Health and Quality to ensure that the proposed project complies with their requirements. Please use our Geographic Information System (GIS) website to find the appropriate districts/ departments. See link below: https://gis-public.sandiegocounty.gov/Html5Viewer/Index.html?viewer=PPM_Public5



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- ☐ It is the owner/applicant's responsibility to ensure that no federal, state or county laws, ordinances, regulations, or policies, including, but not limited to the Federal Endangered Species Act and any amendments thereto are violated. If any state or federal permits are required, it is the owner/applicant's responsibility to obtain those permits before any clearing, grading or construction occurs on the site. Other permits that maybe required include the Migratory Bird Treaty Act, and any structures older than 45 years may require an evaluation as a potential historic resource.
- ☐ If your property is within a Homeowner Association (HOA) or has Conditions, Covenants, and Restrictions (CC&R's), please verify that a project under SB 9 would not be in conflict with your property's CC&R's, or HOA rules. In addition, some properties may have recorded CC&R's without establishment of an HOA. Property owners must verify that the property's CC&R, or HOA rules are not in conflict with SB9.

Please see link below for complete requirements/exemptions of SB-9:

https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202120220SB9&showamends=false

I declare under penalty or perjury that the foregoing information is true and correct.

Signature: _____

Date: _____

Print Name: _____

APN #: _____

---- OFFICIAL USE ONLY ----

And most important, hire the right people. – We really can't stress this enough, especially if you have no previous experience with developing land. This is a very important decision you will have to make, because you could be working so closely with your realtor, architects, engineers, and contractor throughout the approval and permitting process of your SB-9 project. While the County does not provide recommendations, we encourage you to research prospective consultants before working with them.