



CITY OF ORINDA
SB 9 Application

22 Orinda Way, Orinda, CA 94563
(925)253-4210 ▪ orindaplanning@cityoforinda.org

PROPERTY

Address:

Assessor's Parcel Number:

PROPERTY OWNER(S)

Name:

Mailing Address:

Phone:

Email:

APPLICANT(S) (If not the property owner)

Name:

Mailing Address:

Phone:

Email:

APPLICATION(S) (Check all that apply)

SB 9 Unit Application

A single family house or additional unit (sometimes referred to as a duplex unit) as described in state law. Applicants wishing to apply to construct an ADU or Junior ADU should refer to the City's application materials for such units.

SB 9 Lot Split Application

The subdivision of an existing legal lot into two legal lots as described in state law.

PROJECT DESCRIPTION

PROPERTY INFORMATION

Present use of property and buildings:

ACKNOWLEDGEMENT/CERTIFICATION

1. I certify **under penalty of perjury** that all information provided with this SB 9 Application is true and correct.
2. Failure to provide all pertinent data or providing poorly executed plans may delay the processing of an application.
3. City staff may inspect the site of your proposed project. Access to your property is mandatory, but will be limited to the above mentioned planning agency personnel, as is regulated by the State’s Planning and Zoning Law. You are not required to provide access to your property to the general public. Please make any necessary arrangements with staff regarding their access to your property.
4. Applicant/Property Owner agrees to defend, indemnify, release and hold harmless the City of Orinda, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively “City”) from any claim, action or proceeding (hereafter collectively “proceeding”) brought against the City to attack, set aside, void or annul the City’s project approvals and/or any action relating to such project approvals, including actions taken to comply with the California Environmental Quality Act. This indemnification shall include, but not be limited to, any damages awarded against the City, the City’s attorneys’ fees and cost of suit, the cost of preparing the administrative record, any award of opposing counsel’s attorneys’ fees or costs of suit, and any other liabilities and expenses incurred in connection with such proceeding, whether incurred by the Applicant, the City, and/or the parties initiating or bringing such proceeding. Applicant acknowledges that the City may elect to retain its own counsel to represent it in such proceeding and agrees to reimburse the City for associated attorneys’ fees and costs of suit. Applicant further agrees to indemnify the City for all costs, attorneys’ fees, and damages, which the City incurs in enforcing this indemnification agreement. In the event any proceeding is brought, City shall promptly notify the Applicant of the proceeding, and City shall coordinate with Applicant regarding defense of the proceeding.
5. If the application includes an SB 9 Lot Split, the property owner certifies that:
Neither the property 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 as provided for in the Government Code 66411.7/SB 9 (2021).
6. If the application includes demolition of more than 25% of the walls of an existing dwelling unit, the property owner certifies that the subject unit has not been occupied by a tenant in the last 3 years.

PROPERTY OWNER

Signature:

Date:

APPLICANT (If not the property owner)

Signature:

Date:



CITY OF ORINDA

SB 9 Checklist

22 Orinda Way, Orinda, CA 94563

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Senate Bill 9 (SB 9), effective January 1, 2022, creates a streamlined and ministerial approval process for certain housing and/or lot split projects under [Government Code §65852.21](#) and [Government Code §66411.7](#). In addition to this checklist, applicants must provide all required submittal requirements in the SB 9 Unit Application and/or the SB 9 Lot Split Application to demonstrate eligibility.

In this form:

- **“SB 9 Unit”** means a single family house or additional unit (sometimes referred to as a duplex unit) as described in state law. Applicants wishing to apply to construct an ADU or Junior ADU should refer to the City’s application materials for such units.
- **“SB 9 Lot Split”** means the subdivision of an existing legal lot into two legal lots as described in state law.

During the application process, Planning staff may confirm the accuracy of the answers to these questions based on the complete application materials.

If the answers to all the “ELIGIBILITY REQUIREMENTS” questions below are “yes” or “N/A”, then the project qualifies for SB 9 streamlining. If the answer to any questions are “no”, then the project is ineligible. *Note that State law requirement that some objective standards be waived in order to allow at least two 800 sf SB 9 units.*

Project Address:

	ELIGIBILITY REQUIREMENTS	YES	NO	N/A
1	Is the subject parcel zoned for single-family residential use? (Verify the zoning of a parcel in Orinda here .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Does the project either propose at least one new SB 9 unit and/or SB 9 Lot Split? <i>Note: SB 9 does not apply to additions where no new unit is being created, nor does apply if an existing single family home is being demolished and replace with a new single family home.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Including any existing main home on the property, are you proposing no more than two SB 9 units per legal lot?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Does the project: (a) Comply with all applicable objective standards, and (b) <u>Not</u> contain any components, such as removal of Protected Tree(s) or construction of an Elevated Deck that would require discretionary review? <i>Note: If discretionary review is required for a component of the project, this must be processed and approved separately prior to the SB 9 application.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	If all or a portion of any proposed SB 9 unit is located within the Ridgeline and Environmental Preservation Overlay District (R-Overlay), does the structure(s) in that area comply with the code maximums of 500 sf (total) and no more than 18’ in height?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6	If the subject parcel qualifies as a Small and Narrow Lot , does the SB 9 unit comply with the code maximum of 200 sf?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Does the combined total of proposed SB 9 units (including any existing unit on the subject parcel) comply with the Maximum FAR for the subject parcel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Does any new SB 9 unit <u>not</u> exceed the 7,000 sf threshold for Very Large Homes ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	If the parcel is located within the Very High Fire Severity Zone (VHFSZ), does the project comply with applicable building standards and state fire mitigation measures? (Verify if your property is in the VHFSZ here .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	If the parcel is located within an earthquake fault zone, does the project comply with applicable seismic protection building code standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	If the parcel is located in a special flood hazard area subject to induction by the 1 percent annual chance flood (100-year flood) or regulatory floodway as determined by FEMA, does the project meet applicable federal criteria?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Is the project located on a property outside each of the following areas? <ul style="list-style-type: none"> ▪ Prime farmland ▪ Wetlands as defined under federal law ▪ Hazardous waste site ▪ Protected species habitat ▪ Lands under a conservation easement ▪ Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan or other adopted natural resource protection plan ▪ A site containing a historic landmark or within a historic district (local landmarks can be viewed here) 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Does the project: <ul style="list-style-type: none"> ▪ Avoid demolition of more than 25% of existing exterior walls of an existing dwelling that has been occupied by a tenant in the last 3 years? ▪ Avoid demolition or alteration of affordable housing, rent controlled housing, housing that was withdrawn from rent within the last 15 years, or tenant occupied in the last 3 years? 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	If proposing a lot split: <ul style="list-style-type: none"> A. Does the property owner intend to occupy an existing or proposed unit on one of the subject lots for at least 3 years? B. Is one of the newly-created lots at least 40% of the size of the existing lot, and in no case smaller than 1,200 square feet? C. Was the existing lot created through a standard subdivision process (i.e., <u>not</u> created using SB 9)? 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OPTIONAL: To facilitate staff review, you may optionally submit a cover letter explaining some or all responses to the eligibility requirements.



CITY OF ORINDA

SB 9 Unit Application - Submittal Requirements

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Senate Bill 9 (SB 9) creates a streamlined and ministerial approval process for certain housing and/or lot split projects under [Government Code §65852.21](#) and [Government Code §66411.7](#). In addition to permitting up to two units on a single-family lot, the legislation allows qualifying lot splits to be approved ministerially pursuant to a parcel map upon meeting a number of criteria found in the SB 9 Checklist.

“SB 9 Unit” means a single family house or additional unit (sometimes referred to as a duplex unit) as described in state law. Applicants wishing to apply to construct an ADU or Junior ADU should refer to the City’s application materials for such units.

FEES

Application Fee (select one):	
One SB 9 Unit*	\$5,245.00
Two SB 9 Units*	\$6,818.00
Soils Report Peer Review	\$2,600.00 (deposit) ¹
Engineering Review	\$5,000.00 (deposit) ¹
Landscape Water Efficiency Checklist Review (if applicable)*	\$125.00
13% Surcharge fee [applied to all fees marked with an asterisk (*)]	\$

¹A deposit reflects the average amount of time for a specific component of your application review. When you pay a deposit, an account will be set-up for the project that will be charged at the hourly rate for staff time. In some instances, complex project reviews may exceed the deposit amount, which would require the deposit to be replenished. Any deposit amount remaining at the end of the project will be refunded to the applicant.

SUBMITTAL REQUIREMENTS

How To Submit Your Application – Applications are only accepted electronically. Submit your complete application online at <https://www.cityoforinda.org/527/Application-Submittal>.

1. SB 9 Application Form

2. SB 9 Checklist

3. Plan Set

One PDF (electronic) set of plans at a minimum 11”x17” size. See the [SB 9 Unit Application – Plan Set Checklist](#) for required plan set details.

4. Preliminary Title Report

A title report not more than six months old.

5. Soils Report

Soils/geotechnical reports must be submitted for all new homes. When new structures or additions

are proposed in the vicinity of a creek bank, the report must also address the stability of the creek bank.

6. *Arborist Report (if applicable)*

A written recommendation from a certified arborist that discusses the species, size, location, and health of any protected tree(s) at risk of being damaged or proposed for removal as part of this project. For more information, see [Chapter 17.21 \(Tree Management\) of the Orinda Municipal Code](#).

7. *Landscape Water Efficiency Checklist (if applicable)*

The [Landscape Water Efficiency Checklist](#) must be submitted with your application if the project meets any of the following criteria:

1. New construction projects with a landscape area greater than 500 square-feet,
2. Rehabilitated landscape projects with a landscape area greater than 2,500 square-feet,
3. Existing landscapes installed prior to December 2015, that are greater than 1 acre in size, or
4. Cemeteries.

8. *Project Site Identification Sign (if applicable)*

Vacant sites must be marked with an address identification sign. If your project site does not have an address, you must apply for an address assignment with the Moraga-Orinda Fire District.

9. *Transit Stop/Car Share Map*

If the applicant is taking advantage of the SB 9 provision which requires no parking space because of proximity to transit or car share, a plan is required showing that the parcel is 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.

10. *Government Code Section 6641.7.C.2 Documentation*

If applicant is asserting that one or more objective standards are precluded by SB 9, provide supporting documentation that this is necessary because those standards would “have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.”

11. *Moraga-Orinda Fire District (MOFD) Approval.*

Approval from the Moraga-Orinda Fire District (MOFD) indicating compliance with applicable objective standards of Fire Code.