



SB 9 Eligibility Determination Request and Submittal Checklist

Parts I and II of this form shall be completed and submitted to determine a project's eligibility under Senate Bill 9 (SB 9). SB 9 creates a streamlined ministerial approval process for certain housing and/or lot split projects under Government Code Sections 66452.6, 65852.21, and 66411.7. Upon receiving a determination of eligibility, applicants shall also submit all applicable checklist items in Parts III and IV, with supporting documentation as necessary. Applicants should consult with Planning staff to confirm applicable requirements before submitting.

PART I. APPLICANT AND OWNER INFORMATION

APPLICANT CONTACT INFORMATION	PROPERTY OWNER'S CONTACT INFORMATION
NAME/COMPANY: _____	NAME/COMPANY: _____
ADDRESS: _____	ADDRESS: _____
CITY, STATE: _____ ZIP: _____	CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____	BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____	FAX: _____ EMAIL: _____

Agent Authorization Note: If the Applicant is not the Property Owner, the Property Owner **must** sign below to authorize the Applicant as their official representative.

I, _____, as Owner of the property listed in Section II.C below, authorize the Applicant listed above to represent me for this Project and in all matters relating to this Determination Request. I have read this Determination Request and I agree with its contents.

Property Owner's Signature¹

Date

Applicant's Acknowledgement	
I, _____, as Applicant for this Project under SB 9, certify under penalty of perjury that the information included in this document and all attached materials is true and complete to the best of my knowledge.	
_____ Applicant's Signature	_____ Date

¹ If the property is owned by more than one Owner, all Owners shall execute this authorization. Provide additional pages as necessary.

PART II. ELIGIBILITY

A. SB9 Project Type (check one box only and complete table(s) indicated)

- Housing development without lot split. **Complete Table 1 only.**
- Housing development with lot split. **Complete Tables 2 and 3.**
- Lot split (subdivision) with no new units. **Complete Table 3 only.**

Table 1: Unit Count (Without Lot Split)

Existing Units (including ADUs)		New Units		Total Units Upon Project Completion
To Remain	To Be Demolished	Single-Family Detached	Attached ²	

Table 2: Unit Count (With Lot Split)

	Existing Units		New Units		Total Units Upon Project Completion
	To Remain	To Be Demo- lished	Single- Family Detached	Attached ²	
Lot #1 (front/left)					
Lot #2 (rear/right)					

Table 3: Proposed Lot Areas

	Lot Area (Sq. Ft.)	% of Original Lot Area
Lot #1 (front/left)		
Lot #2 (rear/right)		

B. Project Description. Provide additional information not included in the tables above, including the location, square footage, number of stories, and number of bedrooms of proposed unit(s).

² Attached in this context means a new duplex, or adding a new unit to an existing residential structure.

C. General Site Information.

Address:
Parcel Number(s): <i>(Use this format: ###-###-###)</i>
Existing Parcel Area (Sq. Ft.): <i>(Do not include public right-of-way)</i>
General Plan Designation:
Zoning District: <i>(Only RS and RR districts are eligible)</i>

D. Existing Site Conditions. Describe the existing property including the existing number of units and square footage, any existing Accessory Dwelling Units (ADU) or junior ADUs, accessory structures and square footage, easements, utility lines such as sewer and water line, average slope, protected trees (see Concord Development Code Section 18.310.020) and any other notable features of the property.

E. Eligibility Checklist. Please answer each question below to confirm eligibility (**Yes, No, Don't know, or N/A**):

All SB9 projects:

1. Is the property zoned single-family residential? (Click [here](#) to look up zoning. Zoning district must have an "RS" or "RR" prefix.)

Yes No Don't know. N/A

2. Is the Project located on a site that is any of the following (as defined in Gov. Code section 65913.4(a)(6)(B)-(K):

a. Wetlands?

Yes No Don't know. N/A

b. A hazardous waste site as designated by a State regulatory agency? (Click [here](#) to look up.)

Yes No Don't know. N/A

c. Within a delineated earthquake fault zone? (Click [here](#) to look up.)

Yes No Don't know. N/A

d. Within a special flood hazard area? (Click [here](#) to look up.)

Yes No Don't know. N/A

e. Within a regulatory floodway? (Click [here](#) to look up.)

Yes No Don't know. N/A

f. Land identified for conservation in an adopted natural community conservation plan?

Yes No Don't know. N/A

g. Habitat for protected species identified by state or federal agencies?

Yes No Don't know. N/A

h. Land under conservation easement?

Yes No Don't know. N/A

3. Will the Project require demolition or alteration of:

a. Affordable housing (subject to a recorded covenant, ordinance, or law restricting rents to moderate, low, or very-low income persons and families)?

Yes No Don't know. N/A

b. Rent-controlled housing?

Yes No Don't know. N/A

c. Housing that has been occupied by a tenant in the last three years?

Yes No Don't know. N/A

4. Is the Project located on a parcel on which an owner has exercised rights under Government Code 7060 (the Ellis Act) to withdraw housing from rent or lease within the last 15 years?

Yes No Don't know. N/A

5. Is the Project located on a property included on the State Historic Resources Inventory or within a site that is designated or listed as a City or County landmark or historic property or district pursuant to a City or County ordinance?

Yes No Don't know. N/A

6. Does the Project conflict with any applicable objective zoning, subdivision, or design standards in the [Concord Municipal Code](#) and Government Code section 65852.21?

Yes No Don't know. N/A

a. If so, would imposition of such standard(s) preclude one or both units from being at least 800 square feet in floor area?

Yes No Don't know. N/A

7. Would setbacks of at least 4 feet from side and rear lot lines be provided for all new structures (not including replacement of existing structures in the same location and to the same dimensions)?
 Yes No Don't know. N/A

Will the Project include less than one parking space per new unit?

Yes No Don't know. N/A

- a. If so, is the Project located *more* than (i) one-half (0.5) mile from BART³, or (ii) one block from a ride share vehicle? (*If using ride share vehicle provision, provide documentation.*)
 Yes No Don't know. N/A

8. Will any unit or units created pursuant to SB9 be used as a short term rental (i.e. stays for less than 30 days)?
 Yes No Don't know. N/A

All Projects Creating New Units:

1. Will the Project result in more than two new units per lot? (*Any new lots created under SB9 should be counted separately.*)
 Yes No Don't know. N/A
2. Will the Project require demolition of more than 25 percent of the existing exterior structural walls?
 Yes No Don't know. N/A
- a. If so, has the existing unit been occupied by a tenant within the last 3 years?
 Yes No Don't know. N/A

All Projects With Lot Splits:

Note: Applicants for lot splits must submit items in Part IV upon receiving a determination of eligibility.

1. Will the Project result in the creation of more than two parcels or more than two units on each parcel (including existing residential units and ADUs)?
 Yes No Don't know. N/A
2. Will either of the resulting parcels be smaller than 1,200 square feet?
 Yes No Don't know. N/A
3. Will the resulting parcels be unequal in area (i.e. will one parcel be smaller than 40% of the size of the original parcel)?
 Yes No Don't know. N/A

³ SB9 also waives parking requirements for sites within one-half mile from either a "high-quality transit corridor" as defined in Public Resources Code (PRC), or a "major transit stop" as defined in PRC Section 21064.3. These definitions require a minimum of two bus routes with service intervals no longer than 15 minutes during peak commute hours. As of February 2022, there are no transit corridors or stops in Concord that provide this level of service. Applicants who believe they qualify for a parking waiver based on these definitions should contact staff for further discussion.

4. Has the property been the subject of a previous ministerial urban lot split application under SB 9 (Gov. Code section 66411.7)?
 Yes No Don't know. N/A

5. Has the owner of the property or anyone acting in concert with the owner⁴ subdivided an adjacent parcel under the ministerial urban lot split allowed by SB 9 (Gov. Code section 66411.7)?
 Yes No Don't know. N/A

6. Does the Project conflict with any applicable objective requirement of the Subdivision Map Act (Gov. Code section 66411 et seq.)?
 Yes No Don't know. N/A

7. Does the Project conflict with any applicable objective zoning, subdivision, or design standards in the Concord Municipal Code and Government Code section 65852.21?
 Yes No Don't know. N/A
 - a. If so, would imposition of such standard(s) preclude one or both units from being at least 800 square feet in floor area?
 Yes No Don't know. N/A

PART III. SUBMITTAL REQUIREMENTS (ALL SB 9 APPLICATIONS)

Upon a determination of SB 9 eligibility by the Planning Division, all development projects shall be submitted to the [Building Division](#) via the [Virtual Permit Center](#) for review and approval. Applications for SB 9 building permits or lot splits shall not be submitted prior to approval of this eligibility checklist. If no development is proposed, please speak with the Planning and Engineering Divisions prior to submitting an application.

- Filing Fee.** See Fees and Charges Resolution for current year.

- Deed Restriction(s).** Will be required to be recorded on the existing parcel (if no lot split), or on both new parcels concurrently with the final map (if there is a lot split), prohibiting short term rentals and non-residential uses. For lot splits, a restriction limiting further subdivision under the provisions of SB 9 will also be included.

- California Building Codes.** The project plans submitted shall comply with the Building Division's requirements and be prepared in conformance with currently adopted California Building Codes. E.g. structural, electrical, plumbing, and mechanical plans; Title 24; structural calculations; California Green checklist, etc.. Please use the following checklist as a reference for preparing your plans in conformance with these requirements:
<http://www.cityofconcord.org/DocumentCenter/View/315/New-Buildings-and-Additions-PDF>

- Title Report.** Prepared within the past three months.

⁴ "Acting in concert" may generally mean a person that has common ownership of the subject parcel with the owner of the adjacent parcel, or a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel divided.

- Contra Costa County Fire Protection District (CCCFD) Approval.** Written verification that the project has been reviewed and approved by CCCFD.
- Title Sheet.** Including address, assessor's parcel number, project name, zoning, scope of work for the project; and table of contents listing all the plan sheets with content, page numbers, and date prepared.
- Site Plan (may be included with the title sheet).** Drawn at common engineering or architectural scale (such as 1"= 20' or 1/8"=1') with scale noted, a graphic bar scale, and north arrow. The site plan information should be based on a survey prepared by a licensed surveyor and include the following:
 - Dimensioned existing (and proposed) property lines with lengths noted in feet.
 - Dimensions of setbacks between existing and proposed building(s) and structures(s) from the property lines, and between other buildings and structures.
 - Location and dimensions of all existing and proposed building(s) and structure(s). Differentiate proposed changes with cross-hatching/shading or other notation. Clearly identify all existing and proposed structures such as fencing, walls, all building features including decks and porches, all accessory structures including garages, carports, and sheds. Label all structures and indicate the structures to remain and the structures to be removed.
 - Required setbacks for the applicable zoning district (front, side, rear, and corner side).
 - Location of abutting streets. Dimensions and locations of any proposed or existing curb cuts, sidewalks, driveways, and parking areas.
 - Dimensions between driveways on subject and adjacent properties.
 - Existing and proposed parking areas, including dimensions. [Per CMC 18.160.](#)
 - Location of all the proposed and exiting utility lines such as sewer, storm and water line.
 - Table with the following information:
 - Total lot area in square feet.
 - Total square footage of primary structure and attached garage.
 - Total square footage of existing accessory structures and buildings including: accessory dwelling units, covered porches, sheds, carports, trellises, etc. (Uncovered decks and accessory structures that meet all of the following are not included in this calculation: (a) less than six feet in height; (b) less than 120 square feet in size; (c) are not on a permanent foundation; and (d) do not require a building permit.)
 - Total square footage of proposed additions or alterations (if attached unit is proposed).
 - Lot coverage including existing buildings, proposed additions, and accessory structures. Calculation shall include eaves/roof overhang. Include square footage and percent lot coverage. (Lot coverage = Existing sq. footage + Proposed sq. footage ÷ Net lot area)
 - The location and dimensions of any recorded or proposed easement, such as easements for access, storm drains, sewer, water lines, and other public rights of way
 - Location of all natural features such as creeks, waterways, ponds, drainage swales, wetlands, etc.
 - Driveway and access details and dimensions.
 - Front yard landscaping calculation (for all parcels).

- Building Elevations (Existing and Proposed):** Plans shall be drawn at a common architectural scale (such as 1/8" = 1' or 1/4"=1'); dimensioned vertically and horizontally in feet and inches. Elevations shall be labeled and should not include superimposed landscaping and trees that hide the buildings. The plans shall include:
 - Fully dimensioned elevations for buildings identifying materials, details, and features.
 - Include all sides of buildings or structures proposed for modification.
 - Vertical distance measured between highest point of roof or parapet wall and the existing finished grade directly beneath on all elevations.
 - Materials and colors of exterior surfaces and features including siding, window, and door detail, trim, roof materials, wainscoting, etc.
 - Location and type of building mounted exterior lighting. Include a cut sheet of the proposed fixture. All exterior light fixtures shall be compliant with objective standards contained in CMC 18.150.110.
 - Photos showing existing building elevations (as a supplement to building elevations, or in-lieu of drawn elevations, as determined by the plan reviewer.)
 - If any demolition of existing exterior structural walls is proposed, provide existing elevations showing the portions to be demolished with shading, hatching or other appropriate symbol.

- Floor Plans (existing and proposed).** Plans shall be drawn by a licensed Architect at 1/8" = 1' or larger scale.
 - Label use of rooms, including bedrooms and garage, and show dimensions and size in square feet.
 - Indicate stairways, doorways, windows, closets, patios, porches, decks, etc.
 - Differentiate existing and new features such as doors, walls, and windows on proposed floor plans.
 - Show exterior dimensions of rooms including garages, garage door openings, and attached structures.
 - (If applicable) Proposed demolition plan with wall legend noting exterior structural walls to remain and exterior structural walls to be demolished, and table listing total lineal feet of exterior structural walls, lineal feet of exterior structural walls to be demolished, and percentage of existing exterior structural walls demolished.

- Roof Plan.** Plan shall be drawn by a licensed Architect at 1/8"= 1' or larger scale. The plan shall include property lines, outline of building footprint, ridgelines, valleys, downspouts location, flat roof areas, dimensions of eave overhangs, and roof pitch. Plans shall show existing roof forms and roof forms to be added or changed.

- Fence and Wall Plan.** Drawn at 1"=20' scale showing the location, height and type of all fences and walls.

- Landscape Plans.** Plans shall be drawn to a common engineering or architectural scale (such as 1"= 20' or 1/8"=1') with scale noted. The plan shall incorporate the proposed Grading and Utility Plan, showing the location of existing and proposed utility lines and utility structures screened back but legible, and shall include the following:
 - Final planting plan and plant list for all trees, shrubs, groundcovers, turf, mulches, and other surfacing materials. The plan shall include a legend showing symbols for all plant materials (and/or materials called out on the plan), with both Latin and common name, including size, spacing, total quantities, ultimate height, and spread of materials. Trees

shall be a minimum of 24 gallon size and shrubs a minimum of 5 gallon size. Accent or sub-shrubs may be 1-gallon in size. Larger trees may be required depending on project location, size, or other conditions.

- If installing between 500 and 2,500 square feet of landscaping, the project shall comply with applicable requirements of the [State Model Water Efficient Landscape Ordinance](#).
- Environmental Water Features.** A site map showing any stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.
- Waste Water. A separate sewer connection from the proposed unit to the public sewer line will be required.** For residential units connected to an onsite wastewater treatment system: Properties less than 200 feet away from a public sewer line are required to make a connection to the public sewer line. If more than 200 feet away from a public sewer line a percolation test is required completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years; and coordinate with Contra Costa County Environmental Health.
- Geotechnical/Soil Report.** A geotechnical/soils report will be required when any of the following conditions apply:
 - Construction of a new home
 - The site slope exceeds 1V:3H per CBC provisions
 - The engineer or architect incorporates allowable design values higher than that associated with the allowable design values corresponding to Class of Materials Item 5 of CBC Table 1806.2.
 - The site is located within an Alquist-Priolo Special Studies Zone.
 - The site has a history of soil related problems (e.g., creep, settlement, lateral spreading, expansive soil, etc.)
- A soils compaction report by a licensed engineer shall be provided if an existing structure or portion of an existing structure is demolished in order to build, rebuild, or add to a structure. A pad certification is required for all new homes.
- Stormwater Control Plan.** See Stormwater Control Plan Application Checklist. All Stormwater Plans shall be coordinated and consistent with all Site, Grading, Utility, and Landscape Plans. If the project creates or replaces more than 10,000 sq. ft. of impervious area, a Stormwater Control Plan is required. Provide the following information to determine if the project meets this threshold.
 - Provide the project data table to the site plan, indicating the amount of impervious and pervious surface area existing, created or replaced. Table 2-1, page 13 of the Stormwater C.3 Guidebook.
 - If the project create or replace more than 2,500 square feet of impervious surface, then comply with the small land development project, Appendix C of the stormwater C.3 guidebook 7th edition.
http://www.cccleanwater.org/wp-content/uploads/2013/01/Stormwater_C3_Guidebook_7th_Edition_2017-05-12.pdf

PART IV: ADDITIONAL SUBMITTAL REQUIREMENTS IF LOT SPLIT IS PROPOSED (UNDER SB 9)

If new construction is proposed, prior to submitting for a Building Permit (Part III), all projects proposing a lot split shall be submitted to the Engineering Division for review and approval of an SB 9 Lot Split Permit. Applications shall be submitted online using the Engineering portal of the [Virtual Permit Center](#) (click link for instructions), in addition to the building permit requirements outlined in Part III above. When submitting your application, please select "Subdivision Map" for the Record Type (see step 6 of the instructions in the preceding link).

In addition to the Engineering Division lot split application forms, requirements outlined in Part III, and objective criteria included in the [Subdivision Ordinance](#), all lot split applications shall also include the following:

- Property Survey.** Prepared by licensed surveyor.
- Affidavit(s).** SB 9 Affidavit(s) for lot split applications.
- Arborist Report.** Prepared by an ISA Certified Arborist for the removal or disturbance of any Protected Tree on the site or on an adjacent property, which could be impacted by the proposed development. The report should describe the condition of all Protected trees to be removed/disturbed and a statement of specific reasons for the proposed removal. (City of Concord 2012 Development Code, Article VI, Division 3 Tree Preservation and Protection).
- Parcel Map.** The Tentative Parcel Map shall be prepared by or under the direction of a registered Civil Engineer or licensed land surveyor, drawn at 1"= 20' scale, with scale noted, a graphic bar scale, and north arrow. The map shall include the following:
 - Vicinity map showing north arrow, location and boundary of the lot split, major cross streets and the existing street pattern in the vicinity.
 - Project name, names and addresses of the applicant, all property owners of record; and the civil engineer or surveyor including their registration or license number.
 - Table with the following information:
 - Size of property including gross & net lot area (square feet and acres).
 - Floor area for each unit type, the number of bedrooms, the number of units by type, the number of units per building, the total number of units, and net density.
 - Percent lot coverage, percent of net lot area covered by buildings (total ground floor area of all buildings divided by net lot area).
 - Percentage of net lot area devoted landscaping, common open space and private useable open space.
 - Statement if the property is subject to inundation.
 - Sewage disposal; source of water supply.
 - Statement setting forth the intended land use of the parcels.
 - Assessor's Parcel numbers.
- Existing and proposed property lines with dimensions, bearings, radii and arc lengths, easements, and net & gross lot area for existing and proposed parcels. Benchmark based

on U.S.C. & G.S. datum, 1929 (City of Concord is on the same datum as U.S.C. & G.S.1929).

- Location and dimensions of all existing and proposed structures extending 50 feet beyond the property. If adjacent to a street, show the entire width of street to the next property line, including driveways. Clearly identify all existing and proposed structures such as fencing, walls, all building features including decks and porches, all accessory structures including garages and sheds, mailboxes, and trash enclosures. Label all structures and indicate the structures to remain and the structures to be removed.
- Dimensions for setbacks from property lines and between structures.
- Location, dimension and purpose (i.e. water, sewer, access, etc.) of all easements including sufficient recording data to identify the conveyance (book and page of official records).
- Location and dimensions for all adjacent streets (public and private) and proposed streets showing both sides of streets, street names, street width, striping, centerlines, centerline radii of all curves, median and landscape strips, bike lanes, pedestrian ways, trails, bridges, curb, gutters, sidewalks, driveways, and edge of right-of-way including any proposed or required right-of-way dedication. Show all existing and proposed improvements including traffic signal poles and traffic signs. Show line of sight for all intersections and driveways based on current City of Concord standards, and corner setback lines based on City of Concord Standard Plan S-36.
- Existing topography and proposed grading extending 50 feet beyond the property at 2 foot contour intervals for slopes up to 5% and under 5 feet in height; and contour intervals of 5 feet for slopes over 5% or greater than 5 feet in height. Include spot elevations, pad elevations, percent slope and show all retaining walls with TOW/BOW elevations.
- Preliminary drainage information showing spot elevations, pad elevations, existing catch basins, and direction of proposed drainage, including approximate street grade and existing and proposed storm drain locations.
- Location and dimensions of existing and proposed utilities including water supply system, sanitary sewers and laterals, drainage facilities, wells, septic tanks, underground and overhead electrical lines, utility poles, aboveground utility vaults and meters, transformers, electroliers, street lights, lighting fixtures, underground irrigation and drainage lines, backflow prevention and reduced pressure devices, traffic signal poles, underground conduit for signals and interconnect, and traffic signal pull boxes, signal cabinets, service cabinets, and other related facilities.
- Location and dimensions of parking spaces, back up, loading areas, and circulation patterns.
- Survey of all existing trees on the site and adjacent to the site with a trunk diameter of 4" or greater, indicating species, size (circumference or diameter noted) measured at 4-1/2' above grade, base elevation, and accurate trunk locations and drip lines. Identify all [protected trees](#) (trees over 72 in. in circumference measured 4-1/2 feet above natural grade, multi-stemmed trees with one stem of at least 24 inches in circumference).

- Location of all natural features such as creeks, ponds, drainage swales, wetlands, etc., extending 50 feet beyond the property line to show the relationship with the proposed development.
- Approximate location of areas subject to inundation or storm water overflow, and all areas covered by watercourses.
- If any parcel is within a FEMA defined 100-year floodplain or floodway:
 - Identify the floodplain or floodway on all plan sheets depicting the existing and proposed site, with the base flood elevation (BFE) and flood zone type clearly labeled. In addition, show the existing site topography and finish floor elevations for all existing and proposed structures. If FEMA has not defined a BFE, a site specific hydraulic analysis will be required to determine the BFE prior to deeming the application complete (CMC Sec. 34-32.b2).
 - Flood zone boundaries and floodwater surface elevation. If the property proposed to be developed is within or adjacent to the 100 year flood zone (Zone A) or the National Flood Insurance Program, Flood Insurance Rate Map, the extent of Zone A shall be clearly drawn on the tentative map and the 100 year flood water surface elevation shall be shown. The map shall show the approximate location of the Floodway Boundary as shown on the latest edition of the "Flood Boundary and Floodway Map" published by the Federal Emergency Management Agency.
- Engineered Cross-Sections.** A minimum of two cross-sections drawn with an exaggerated vertical scale, with scale noted, through critical portions of the site extending beyond the property line to the opposite curb line of adjacent streets or to a minimum of 50 feet onto adjacent properties. Sections shall include existing topography, final grades, existing and proposed structures, fences, walls, property lines, easements, dedications, curb, gutter and sidewalks. Section locations shall be identified on the Parcel Map.
- True Cross-Sections.** A minimum of two cross-sections (more as needed to showing varying site conditions), drawn at 1:1 scale (same scale used for both vertical and horizontal axis), at 1"=20' scale, with scale noted, and a graphic bar scale through critical portions of the site extending 50 feet beyond the property line onto adjacent properties or to the property lines on the opposite side of adjacent streets. Sections shall include existing topography, final grades, location and height of existing and proposed structures, fences, walls, roadways, parking areas, landscaping, trees, and property lines. Section locations shall be identified on the Parcel Map.
- Photos.** Several photos of the project site and surrounding area with the location noted.