



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?

- Proposal for ministerial approval of two units on single parcel*:** 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.
- Proposal for ministerial lot split*:** 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.

What documents do I need to submit?

Ministerial Approval of Two Units

- A completed **General Construction Permit Application**. See Page 9.
Also available online at: <http://www.cityoflivermore.net/civicax/filebank/documents/5651>
Please note: Building staff will determine application completeness at the permit counter. Incomplete applications will not be processed.
- Local Compliance Affidavit**. See Page 8.
- Site Plan** showing existing parcel lines, parcel dimensions, proposed unit footprints with dimensions, and all setback dimensions.
- Elevations** 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 **Construction Drawings**, 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 **Structural Calculations** (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 **Energy Calculations** (Title-24 documentation).
- Two (2) sets of **Truss Calculations** (if manufactured trusses are being utilized).
This can be deferred submittal.
- One (1) **Zone 7 Impervious Surface Worksheet**. See Pages 10 and 11.
Also available online at:
http://zone7water.com/images/pdf_docs/permits/Zone_7_impervious_surface_calc_form_121919.pdf
- One (1) **City of Livermore Clean Water Site Measures Declaration**. See Page 12.

Ministerial Lot Split (Via Final Map Process)

- All documents required by the attached **Final Parcel Map Checklist**.
- Local Compliance Affidavit**. See Page 8.



SB9 and ADU Potential Combinations

Primary Dwelling



Accessory Dwelling



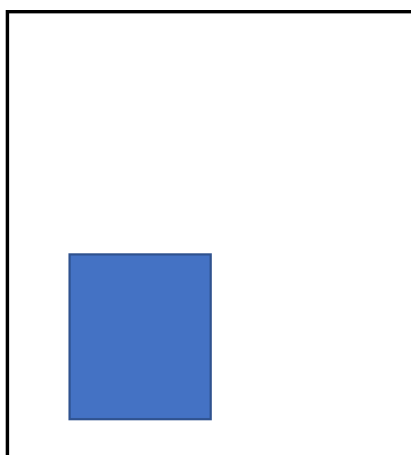
Lot Split Parcel Line



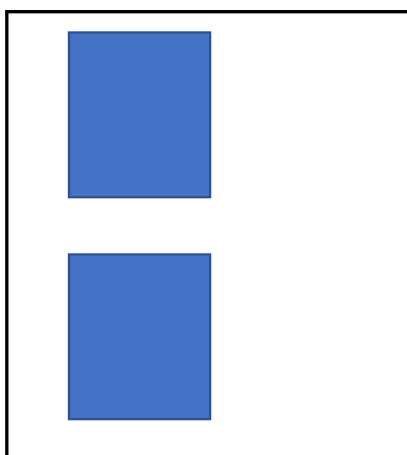
Existing Parcel Line



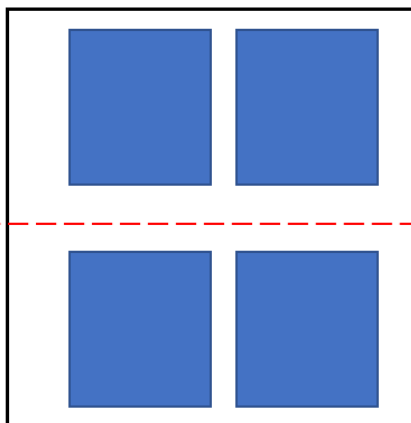
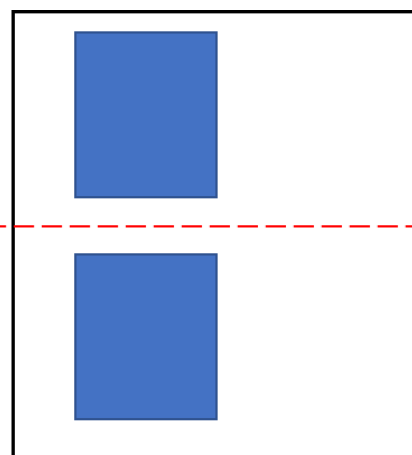
Existing Single-Family Home



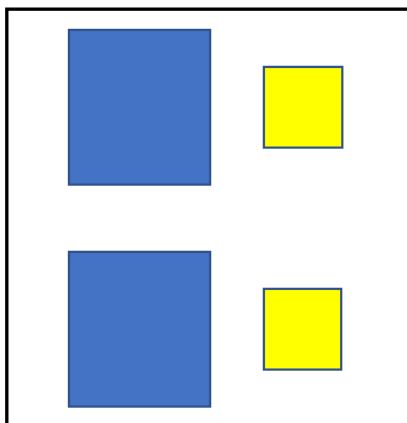
Two Units on one Parcel



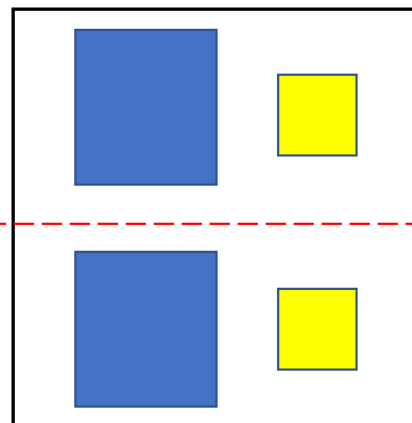
Lot Split with one Unit on Each



Lot Split with two Units on Each



Two Units and two ADUs on one Parcel



Lot Split with one Unit and one ADU on Each

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	
	<ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> ○ 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. • SB 9 cannot be used on parcels within any of the following: <ul style="list-style-type: none"> ○ Multifamily zoning districts ○ Prime farmland, farmland of statewide importance, land dedicated for agricultural protection by zoning or local ballot measure ○ Wetlands ○ Very High Fire Hazard Severity Zone ○ Hazardous Waste Site ○ Earthquake Fault Zone, unless complying with seismic protection building code standards ○ Special Flood Hazard Area (100-year flood), unless satisfying FEMA requirements ○ Within a Regulatory Floodway, as determined by FEMA, unless satisfying federal requirements ○ Lands identified for conservation in an adopted Natural Community Conservation Plan ○ Habitat for protected species (candidate, sensitive, special status) ○ Conservation Easement ○ Historic District or Historic property
Setback	
	<ul style="list-style-type: none"> • Front: Underlying zoning district applies • Rear, Side, Side Street: Minimum Four feet • Shall not require any changes to setback for existing structure or new structure constructed in same location. • Shall not deny application for adjacent or connected structures if structures meet building code and can be separately conveyed
Height	
	<ul style="list-style-type: none"> • Underlying zoning district applies
Coverage	
	<ul style="list-style-type: none"> • Underlying zoning district applies, except City shall not preclude two units of at least 800 sf in size on each parcel.
Parking	
	<ul style="list-style-type: none"> • One off street parking space per unit, but no parking required if: <ul style="list-style-type: none"> ○ 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

	<p>routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods)</p> <ul style="list-style-type: none"> ○ The parcel is located within one block of carshare
Anti-Displacement Criteria	
	<p><i>Applicant shall sign the attached local compliance affidavit affirming all of the following.</i></p> <ul style="list-style-type: none"> • Project shall not: <ul style="list-style-type: none"> ○ Demolish or alter affordable housing with restricted rents for moderate, low, or very low income residents ○ Demolish or alter housing subject to rent control ○ Demolish or alter housing occupied by a tenant within last three years ○ Demolish more than 25% of the existing exterior residential structural walls, unless: <ul style="list-style-type: none"> ▪ Local Ordinance allows; or ▪ The site has not been tenant occupied within last three years ○ Propose units on a parcel where the owner withdrew rent or lease accommodations (Government Code Section 7060) within last 15 years • Rental of all units shall be more than 30 days
Health + Safety and Design Review	
	<ul style="list-style-type: none"> • If parcel contains septic facilities, percolation test required within last 5 years or within 10 years if recertified. • 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. • City may use objective design standards.

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.

Location	
	<ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> ○ 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. • SB 9 cannot be used on parcels within any of the following: <ul style="list-style-type: none"> ○ Multifamily zoning districts ○ Prime farmland, farmland of statewide importance, land dedicated for agricultural protection by zoning or local ballot measure ○ Wetlands ○ Very High Fire Hazard Severity Zone ○ Hazardous Waste Site ○ Earthquake Fault Zone, unless complying with seismic protection building code standards ○ Special Flood Hazard Area (100-year flood), unless satisfying FEMA requirements ○ Within a Regulatory Floodway, as determined by FEMA, unless satisfying federal requirements ○ Lands identified for conservation in an adopted Natural Community Conservation Plan ○ Habitat for protected species (candidate, sensitive, special status) ○ Conservation Easement ○ Historic District or Historic property
Parcel Size and Density	
	<ul style="list-style-type: none"> • Minimum parcel size is 1,200 square feet • Neither parcel can be smaller than 40% of the size of the original lot • No minimum parcel dimensions required, except minimum parcel width of five feet on flag lots. • A maximum of two units allowed on each parcel. "Unit" includes primary dwelling, ADU, or JADU. • Shall not preclude two units of at least 800 square feet in size on each resultant parcel.
Development Standards	
	<ul style="list-style-type: none"> • Shall not require setback for existing structure or new structure constructed in same location. • Shall not require correction of nonconforming zoning conditions. • Shall not deny application for adjacent or connected structures if structures meet building code and can be separately conveyed • For new structures, see two-unit section.
Access and Improvements	
	<ul style="list-style-type: none"> • New parcels must adjoin public right of way or have access to public right of way. <ul style="list-style-type: none"> ○ Access can mean through fee title or easement. ○ Minimum easement or parcel width shall be five feet.

	<ul style="list-style-type: none"> • May require easements for public services and facilities, if needed. • Shall not require right-of-way dedication or offsite improvements <ul style="list-style-type: none"> ○ Offsite improvements include frontage improvements like sidewalk, curb, and gutter.
Parking	
	<ul style="list-style-type: none"> • One off street parking space per unit, but no parking required if: <ul style="list-style-type: none"> ○ 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) • The parcel is located within one block of carshare
Anti-Displacement Criteria	
	<p><i>Applicant shall sign the attached local compliance affidavit affirming all of the following.</i></p> <ul style="list-style-type: none"> • Project would not: <ul style="list-style-type: none"> ○ Demolish or alter affordable housing with restricted rents to moderate, low, or very low income ○ Demolish or alter housing subject to rent control ○ Demolish or alter housing occupied by a tenant within last three years ○ Propose units on a parcel where the owner withdrew rent or lease accommodations (Government Code Section 7060) within last 15 years • Parcel has not been previously subdivided using SB9 • Adjacent parcel has not been previously subdivided by the same owner or representative • 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 • Rental of all units shall be more than 30 days
Health + Safety and Design Review	
	<ul style="list-style-type: none"> • Shall require that uses on new parcels are residential • Shall conform to all objective standards of Subdivision Map Act (Government Code Section 66410) • City may use objective design standards • 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



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

Please read and initial all of the following statements, if applicable, prior to submitting an SB 9 application

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 rents to moderate, low, or very low income residents, as defined by the CA Department of Housing and Community Development.
- _____ The project will not demolish or alter housing subject to rent control.
- _____ The project will not demolish or alter housing occupied by a tenant within the last three years.
- _____ The project will not propose units on a parcel where the owner withdrew rent or lease accommodations within the last 15 years, pursuant to CA Government Code 7060.
- _____ Rental periods for any residential units on the property shall be more than 30 days, and in conformance with the City's Short-Term rental regulations (Livermore Municipal Code Chapter 5.90).
- _____ 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 **[Ministerial Lot Split only]**.
- _____ 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 entity acting in concert with the owner has previously subdivided an adjacent parcel using CA Senate Bill 9 (H.O.M.E. Act) **[Ministerial Lot Split only]**.

Applicant(s) Signature(s): 1. _____ 2. _____

Date: _____ Date: _____



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: _____ Telephone # _____

Applicant's Address: _____ City _____ State _____ Zip Code _____

Email address: _____

PROPERTY OWNER:

Name: _____

Address: _____

City/Zip: _____

Telephone Number: _____

email address: _____

CONTRACTOR (If owner/builder, check here)

Name: _____

Address: _____

City/Zip: _____

Telephone Number: _____

email address: _____

State License Number: _____

Type: _____

Tenant Name: _____

Telephone Number: _____

Architect/Engineer Name: _____

Email address: _____

Telephone Number: _____

Project is: Residential Commercial Industrial Educational PV EV ADU
Type of Work is: New Building/Structure Addition Tenant Improvement Deck/Patio Cover Other

Description of proposed work: _____

_____ **Project Valuation \$** _____

(Required for Building Permits)

Occupancy Use: _____ **Type of Construction:** _____ **Number of Stories:** _____ **Zoning Use:** _____

Fire Sprinklers: (Existing Buildings only) Do any of the Buildings have fire sprinklers? **Yes No**

Mail to: _____ (Property Owner or Contractor) **Will Pick-up** **Date** _____ **Time:** _____

Print Applicant Name: _____

Applicant's Signature: _____

Call for CREDIT CARD PAYMENT – 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 Alameda County (Unincorporated Areas of Amador-Livermore Valley)

Date of Application: _____ Date of Transaction: _____

Type of Application: Site Development Review (Parcel/Tentative/Vesting/Tract Map) Building Permit

Project Location or Address*: _____, CA
(Please attach a project location map with application)

Project Type: Commercial Industrial Residential

Applicant's Name: _____
 Owner Contractor Engineer/Architect Developer

Applicant's Address: _____

Applicant's Phone: _____ Fax: _____

Email: _____

Parcel/Tract No.: _____ Lot No.: _____ APN # _____

Total Lot (or Parcel/Tract) Area in Sq.Ft* _____

(Please attach a plot plan identifying the total impervious areas for each lot or parcel/tract)

Impervious Surface* Descriptions	Pre-Project Condition of Lot or Parcel/Tract in Sq.Ft. (If Applicable)	Proposed Post-Project Condition of Lot or Parcel/Tract in Sq.Ft.
Building(s) Footprint (Including Attached Garage)		
Driveway(s), Patio(s), Parking Lot, Impervious Decking(s)		
Detached Garage(s), Carport(s), Shed(s), Other Misc. Structures		
Accessory Dwelling Unit (ADU)		**
Off-lot Impervious Surface (Streets, Sidewalks)	N/A	
Total Impervious Surfaces on Lot (or Parcel/Tract) in Square Feet		***

* For explanations or interpretations of impervious surfaces, contact Jeff Tang of Zone 7 at 925-454-5075 (jtang@zone7water.com)

** ADU area of 750 Sq.Ft. or less are not assessed DIF, as of 1/1/2020 in accordance to CA SB-13.

*** Indicates field required by NPDES permit provision C.3.n.i. Other permit requirements and forms may also apply.

I declare under penalty of perjury, that to the best of my knowledge, the square footage presented herein is accurate and complete. The corresponding application(s) will be **CANCELLED** if the Impervious Surface Square Footage is (are) found to be misrepresented.

Signature of Applicant _____ Date _____

For Office Use Only - To be filled out by City/County staff

Form received at Building counter and Amount Due calculated By: _____ Date: _____

Total Impervious Sq. Ft.: _____ x \$1.00 (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

Applicant: Complete the following section and attach it to the Building Permit Application.

Project Address: _____ Date: _____

Note: See Building Permit Application Form for the project description and other details.

Site Measures for Single Family Residential Lot

A. 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 areas.
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- Direct runoff from driveways and/or uncovered parking areas onto vegetated areas.
- Construct sidewalks, walkways, and/or patios with permeable surfaces.
- Construct driveways and/or uncovered parking areas with permeable surfaces.

B. Impervious Surface is any surface that cannot be easily penetrated by water, such as roofed areas, driveways, pavements, accessory buildings/sheds, compacted soils, or rock outcrops.

C. Resources: Please visit Alameda County Clean Water Program at: <http://acgov.org/pwa/programs/water.htm>

Project Type Declaration

Regulated Project Tract# _____ or Parcel Map# _____

- The project is part of a larger development (Regulated) project and must comply with all stormwater design requirements. Complete the C3 Stormwater Requirements Checklist Form and attach it to the Building Permit Application.

Small Project:

- The project will create/replace 2,500 square feet or more of impervious surface on the site.
Note: Incorporating one or more of the Site Measures into the project is required and must be shown on the plans. All impervious surfaces must be treated to the Maximum Extent practicable.

All Other Projects:

- The project will *not* create/replace 2,500 square feet or more of impervious surface on the site.
Note: Incorporating Site Measures into the project is highly encouraged. All impervious surfaces must be treated to the Maximum Extent practicable

Acknowledgement

I am the project Owner/Tenant Arch/Eng/Designer Contractor Other (Please Specify) _____.

I have read, understand and agree with the above clean water provisions and I will take one copy of this form to the property owner, designer, and contractor for their use.

Signature _____ Date: _____ Print Name: _____

FOR OFFICIAL USE ONLY

Engineering Staff Verification

Project APN#: _____

I checked the plan and, to the best of my knowledge, this project is a: Regulated Small Other project.

Signature _____ Date: _____ Print Name: _____

Engineering Staff Enter Permit# _____

A. FINAL MAP CHECKLIST FOR SB9 SUBMITTALS**FINAL MAP NO.** _____

The map being submitted with this checklist has been checked by me or under my direction for conformance to the items of this checklist.

Company Name: _____

Signature: _____ LS or RCE No.: _____

Name printed: _____ Date: _____

Telephone No. _____ E-mail: _____

A complete submittal includes the following:

1. 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.
4. 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:
 - a. Boundary closures
 - b. Boundary ties
 - c. Block closures
 - d. Street closures (dedications)
 - e. Individual lot closures
 - f. Monument to monument closures
 - g. Monument line increments and ties to side line closures
 - h. Easement closures (if not concentric or parallel)
 - i. 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. Two copies of draft deeds, legal descriptions, closure calculations, plats for all off-site rights-of-way, and preliminary title reports.
11. A right-of-way acquisition map/log if three or more off-site easements or dedications are required.
12. One copy of a 200 scale map showing streets, approved street names, lot lines, lot numbers, and north arrow. This exhibit will be used to assign and distribute addresses.