



CHECKLIST FOR AN SB 9 TWO-DWELLING UNIT DEVELOPMENT

This checklist is designed to provide property owners with an overview of the SB 9 requirements and process to construct two units on an existing legal parcel.

Projects must meet all the prerequisites listed below to potentially qualify for ministerial approval of up to two dwelling units on a single-family zoned parcel. The criteria are state-mandated and cannot be waived or amended.

Criteria to apply for an SB 9 Two-Dwelling Unit Project

- Parcel has a zoning designation of R-1, HR, or R-OS (i.e. a single-family zoned parcel)
- The subject parcel is **not**:
 - Located within a Historic District or on a Historic Resources Inventory
 - Within a 100-year flood zone, or within a floodway, unless Public Works standards can be met
 - Within a very high or high fire severity zone (consult <https://egis.fire.ca.gov/FHSZ/>),
 - Within a hazardous waste or hazardous list site (consult <https://www.envirostor.dtsc.ca.gov/public/>),
 - Within a delineated earthquake fault zone (consult <https://www.saratoga.ca.us/204/Ground-Movement-Potential-Maps>),
 - Property that contains habitat for protected species or is not lands under a conservation easement
- The proposed subdivision does **not** result in the demolition or alteration of:
 - Affordable or rent-controlled housing
 - Market-rate housing that has been occupied by a tenant in the past three years
 - A parcel where the property owner exercised the right to withdraw accommodations from rent or lease within the last 15 years
 - A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 (Ellis Act) to withdraw accommodations from rent or lease within 15 years before the date that the development proponent applies
- For all properties occupied by a tenant within the last three years, no more than 25% of the existing exterior structural walls may be demolished.
- The proposed project provides legal access to an existing easement or right-of-way.
- 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 (i.e. bus line with 15 minute headway), or major transit stop
 - Or, parcel is located within one block of a car share vehicle lot
- No rental of any unit(s) shall be allowed for 30 days or less
- The subject parcel(s) is limited to residential use

Two-Dwelling Unit Objective Standards

Item	Requirement
Unit Size and Allowable Floor Area	<ul style="list-style-type: none">On a parcel that has <u>not</u> been subdivided as a result of an SB 9 Urban Lot Split, the maximum allowable floor area is determined by the net site area of the parcel, provided at least two 800 square foot dwelling units are permittedOn the two new parcels created by an Urban Lot Split, the maximum allowable floor area for each lot is proportional to the percentage of the lot split of the original lot (i.e. 40%/60%), provided at least two 800 square foot dwelling units are permitted on each lotA dwelling unit constructed as a part of Two-Unit Development or Urban Lot Split located partially or entirely within the side or rear setback area of the underlying zoning district shall have a maximum floor area of one thousand square feet.
Setbacks	<ul style="list-style-type: none">Setbacks of the underlying zoning district are required from both the front and exterior side property linesA minimum setback of four feet is required from the interior side and rear property linesNo setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structureAttached covered patios, accessory structures, HVAC mechanical equipment, and generators shall comply with the applicable setback requirements of the underlying zoning district
Building Height	<ul style="list-style-type: none">Dwelling units are limited to one story and a height of 18 feetDwelling units shall not exceed a height of 16 feet when located within the side or rear setback area of the underlying zoning district
Decks	<ul style="list-style-type: none">Rooftop decks are not permitted

How do I apply for an SB 9 two-dwelling unit project?

- A Pre-Application Meeting is required prior to formal plan submittal. Please contact the Planning Division at planning@saratoga.ca.us to schedule a Pre-Application Meeting. When requesting a meeting, please also include a PDF of your preliminary plans.
- Plans can be uploaded to a cloud-based storage site as a PDF, then submitted electronically by emailing a hyperlink to planning@saratoga.ca.us with a description of the project.
- Consult the relevant Technical Review submittal checklist for plan submittal requirements on the Planning Application Materials webpage: <https://www.saratoga.ca.us/168/Planning-Application-Materials>.
- Consult the relevant building permit submittal requirements on the Building Division webpage: <https://www.saratoga.ca.us/156/Plan-Submittal-Requirements>.
- The SB 9 subdivision process is ministerial and therefore does not require a public hearing.
- Questions? Please contact Planning Department staff at planning@saratoga.ca.us.

Useful Weblinks & Information

- [Municipal Code](#)
- [Planning Application Materials](#)
- [Protected Tree Regulations & Forms](#)
- [Geotechnical Clearance](#)
- [Building Permit Submittal Requirements](#)