



# SENATE BILL 9 DUPLEX & URBAN LOT SPLIT ELIGIBILITY CHECKLIST

Development Service Department • 777 B Street Hayward, CA 94541

<https://www.hayward-ca.gov/services/permits/senate-bill-9-sb-9>

**Eligibility Worksheet** – Below are eligibility requirements and objective development standards for ministerial approval of duplex development(s) and/or an urban lot split pursuant to State law – Government Code Section 65852.21 and 66411.7. Please indicate whether the proposed project meets these standards by filling in the blanks and circling “YES”, “NO” or “N/A” for each section. In order to be eligible for ministerial approval of this application, the proposed project must meet all eligibility requirements and objective development standards below.

Does the project meet the following eligibility requirements?	Compliance (Circle One)	Review (City Use)
1. <b>Zoning. Is the project site located within the Low Density Residential (RL) zoning district?</b> Online GIS WebMap: <a href="https://webmap.hayward-ca.gov/">https://webmap.hayward-ca.gov/</a>	Yes      No	
2. <b>Quantity.</b> If the project involves a duplex development and an urban lot split, the parcels are limited to two housing units per parcel. For the purpose of this question, an Accessory Dwelling Unit is considered a housing unit. <b>Will the project site have two or fewer units per parcel?</b> Number of Existing Units: _____ Number of Existing Lots: _____ Total Number of Proposed Units: _____ Total Number of Proposed Lots: _____	Yes      No	
3. <b>CC&amp;Rs and HOA Applicability. Will the proposed SB 9 development conform to any applicable Codes, Covenants &amp; Restrictions (CC&amp;Rs) or Homeowner Association (HOA) Rules?</b> By circling “Yes”, the applicant is confirming that they have verified this information and will provide documentation upon request. Circle “N/A” if the project site has no CC&Rs or HOA rules.	Yes      No N/A	
4. <b>Demolition or Alteration of Units. Does the project require the demolition or alteration of any of the following?</b> By circling “Yes” or “No”, the applicant is confirming that they have verified this information and will provide documentation upon request. If the project involves demolition, an affidavit may be required. <ul style="list-style-type: none"> <li>a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable for moderate, low, or very low-income households.</li> <li>b. Housing that is subject to any form of rent or price control. (See <a href="https://www.hayward-ca.gov/residents/housing/rent-review-database">https://www.hayward-ca.gov/residents/housing/rent-review-database</a>)</li> <li>c. Housing that has been withdrawn from the rental market within the past 15 years via an Ellis Act eviction.</li> <li>d. Housing that has been occupied by a tenant in the last three years.</li> </ul> Date unit was last occupied by a tenant (if applicable): _____	Yes      No Yes      No Yes      No Yes      No	
5. <b>Historic Resources. Does the project site have potential historic resources or contain any of the following?</b> <ul style="list-style-type: none"> <li>a. Structures developed before 1946</li> <li>b. Structures that were developed after 1946, are at least 50 years old and were not developed as part of a subdivision.</li> <li>c. Properties identified to have potential historic resources by the City of Hayward's 2009 Reconnaissance Survey: “Historic Resource” layer at <a href="https://webmap.hayward-ca.gov/">https://webmap.hayward-ca.gov/</a>.</li> </ul> If a site has potential historic resource or contains any of the above, an architectural historian shall prepare a Historic Evaluation Report and document whether the site has historic resources. The Historic Evaluation Report shall be submitted as part of your application submittal.	Yes      No Yes      No Yes      No	

<p>6. <b>Prohibited Site Locations.</b> The project site cannot contain or be located in any of following. <b>Is the site located in any of the following areas or/and does it include any of the following?</b> By circling "Yes" or "No", the applicant is confirming that they have verified this information and will provide documentation upon request.</p> <p>a. Prime Farmland or Farmland of Statewide Importance (See <a href="https://maps.conservation.ca.gov/agriculture">https://maps.conservation.ca.gov/agriculture</a>)</p> <p>b. Wetlands defined under federal law (See <a href="https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper">https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper</a>)</p> <p>c. Lands under a conservation easement</p> <p>d. Lands identified for conservation in an adopted natural community conversation plan, habitat conservation plan or other adopted natural resource protection plans.</p> <p>e. Habitat for protected species (See "Special Species Habitat Parcels" layer at <a href="https://webmap.hayward-ca.gov/">https://webmap.hayward-ca.gov/</a>) If a site has potential habitat, a biologist shall prepare a Biological Resource Evaluation and document whether the site has habitat. The report shall be prepared by a City consultant at the applicant's expense.</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes <b>No</b></p> <p>Yes No</p>	
<p>7. <b>Restricted Site Locations.</b> The project site cannot contain or be located in any of the following unless certain requirements are met. <b>If the site contains or is located in any of the following, does it meet the applicable requirements?</b> By circling "Yes" or "No", the applicant is confirming they have verified this information and will provide documents upon request.</p> <p>a. High or very high severity zone: If the project site is located within a high or very high fire severity zone, it shall be excluded from the specific hazard zone by the City of Hayward or comply with adopted fire hazard mitigation measures for the site. (See <a href="https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008">https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008</a>)</p> <p>b. Hazardous waste site: If the project site is a hazardous waste site, it shall be cleared by the State Department of Public Health, State Waste Resource Control Board or Department of Toxic Substances for residential uses. (See <a href="https://geotracker.waterboards.ca.gov/">https://geotracker.waterboards.ca.gov/</a> or <a href="https://www.envirostor.dtsc.ca.gov/public/">https://www.envirostor.dtsc.ca.gov/public/</a>.)</p> <p>c. Earthquake fault zone: If the project site is located within an earthquake fault zone, the development shall comply with all applicable seismic protection building code standards. (See Figure 9-1 Hayward Fault in the <a href="#">Hayward 2040 General Plan Background Report</a>.)</p> <p>d. FEMA special flood hazard area subject to a 100-year flood: If the project site is within a special flood hazard area, the development shall satisfy all applicable federal qualifying criteria. (See <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a>.)</p> <p>e. FEMA regulatory floodway: If the project site is within a regulatory floodway, the development shall receive a no-rise certificate from FEMA. (See <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a>.)</p> <p>If you checked "Yes" for any of the above, provide information showing the project meets the above listed additional requirements.</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p>	
<p>8. <b>Short Term Rental.</b> Units shall not be utilized as short-term rentals (i.e. rentals less than 30 days). <b>Do the applicant and property owner acknowledge this requirement?</b></p>	<p>Yes No</p>	
<p>9. <b>Previous Urban Lot Split (For Urban Lot Split Applications Only).</b> The subject parcel has not been established through a previous SB 9 Urban Lot Split. An affidavit stating the above shall be submitted as part of your application submittal. <b>Do the applicant and property owner acknowledge this requirement?</b></p>	<p>Yes No</p> <p>N/A</p>	
<p>10. <b>Adjacent Urban Lot Split (For Urban Lot Split Applications Only).</b> Neither the owner of the parcel being subdivided nor any person acting in concert with the owner of the parcel shall have previously subdivided an adjacent parcel using SB 9. An affidavit stating the above shall be submitted as part of your application submittal. <b>Do the applicant and property owner acknowledge this requirement?</b></p>	<p>Yes No</p> <p>N/A</p>	
<p>11. <b>Owner Occupancy (For Urban Lot Split Applications Only).</b> The property owner shall intend to occupy one of the housing units as their principal residence for a minimum of three (3) years. An affidavit stating the above shall be submitted as part of your application submittal. <b>Does the applicant and property owner acknowledge this requirement?</b></p>	<p>Yes No</p> <p>N/A</p>	

<b>Objective Standards.</b> The following objective standards shall be met for all new development <u>unless</u> the standards below preclude the development of two (2) 800 square-foot units on the subject property.	<b>Compliance</b> (Circle One)	<b>Review</b> (City Use)
<p>1. <u>Development Setbacks.</u> New detached and attached duplex units shall be required to maintain the following setbacks listed below:</p> <ul style="list-style-type: none"> <li>a. Interior Side and Rear Yard: 4-Feet</li> <li>b. Front Yard: 15-Feet or 20-Feet for Attached Garages</li> <li>c. Street-side yard: 10-Feet</li> <li>d. From other buildings or accessory structures: 5-Feet</li> </ul> <p><b>Will the duplex development conform to all minimum required setbacks?</b></p>	<p>Yes    No</p> <p>Yes    No</p> <p>Yes    No</p> <p>Yes    No</p> <p>N/A</p>	
<p>2. <u>Parking.</u> A minimum of one off-street parking space per unit shall be provided unless the parcel meets the following criteria:</p> <ul style="list-style-type: none"> <li>a. The parcel is within 1/2-mile walking distance of a high-quality transit corridor or major transit stop. For more information about what qualifies as a high-quality transit corridor or major transit stop, review the Hayward SB FAQ.</li> <li>b. The parcel is within one block of a car share vehicle within a fixed location.</li> </ul> <p><b>Does the project provide the minimum off-street parking requirement?</b> By circling "Yes", the applicant is confirming that they have verified this information and will provide documentation upon request.</p>	<p>Yes    No</p> <p>N/A</p>	
<p>3. <u>Parking Space Design and Dimensions.</u> All new parking shall comply with the applicable regulations in <a href="#">Chapter 10, Article 2 Off-Street Parking Regulations</a> of the Hayward Municipal Code. <b>Will the proposed development comply with all applicable parking requirements?</b></p>	<p>Yes    No</p> <p>N/A</p>	
<p>4. <u>Building Height.</u> All new structures shall be limited to 30-feet in height. The maximum height of 30-feet is measured from any point from the finished grade or existing grade, whichever is lower, to the highest point of the coping of a flat roof, to the top roof line of a mansard roof, or to the midpoint of the highest gable of a pitched or hip roof. <b>Will the proposed development be less than or equal to the maximum allowable height?</b></p>	<p>Yes    No</p> <p>N/A</p>	
<p>5. <u>Building Massing.</u> All new structure shall comply with the second story building massing requirements in <a href="#">Section 10-1.205 (a)</a> of the Hayward Municipal Code. <b>Will the proposed development comply with the second story massing requirements?</b></p>	<p>Yes    No</p> <p>N/A</p>	
<p>6. <u>Façade Design.</u> All new structures shall incorporate a combination of façade design elements in Section 10-1.205 (b) of the Hayward Municipal Code to achieve a minimum of 50 points?</p> <p><b>Will the proposed development include at a combination of façade design elements to achieve a minimum of 50 points?</b> The project plans shall include the completed point table and any calculations, dimensions, or diagrams needed to demonstrate compliance.</p>	<p>Yes    No</p> <p>N/A</p>	
<p>7. <u>Other Objective Standards.</u> <b>Does the proposed development meet all other applicable objective standards as outlined in <a href="#">Section 10-1.200</a> of the Hayward Municipal Code for the RL zoning district?</b></p>	<p>Yes    No</p> <p>N/A</p>	
<p>8. <u>Minimum Lot Size.</u> Each new lot shall be at least 1,200 square feet. The urban lot split shall also result in new lots of approximately equal size (or minimum 60/40 split of existing lot). <b>Will the proposed lot split meet the minimum lot size and proportions for each parcel?</b></p>	<p>Yes    No</p> <p>N/A</p>	
<p>9. <u>Access.</u> Each new lot shall have access to a public street. The access shall meet all applicable regulations in the California Fire Code (FCF) and the <a href="#">City of Hayward Standard Details</a>. <b>Will the proposed lots meet all applicable access requirements?</b></p>	<p>Yes    No</p> <p>N/A</p>	