



Development Services Department  
Planning Division  
17575 Peak Avenue  
Morgan Hill, CA 95037-4128  
Phone: (408) 778-6480  
Fax: (408) 779-7236  
[www.morganhill.ca.gov](http://www.morganhill.ca.gov)

## SB9 PRE-SCREEN APPLICATION

Senate Bill 9 (SB9) allows the development of two housing units and/or a lot split on eligible single-family zoned properties. A project may be eligible for the SB9 application process if it meets all of the eligibility criteria per [Government Code §65852.21](#) and/or [Government Code §66411.7](#).

This Pre-Screen Application will evaluate whether your project is eligible for streamlined processing under SB9 and meets the City's Objective Standards.

### INSTRUCTIONS

**STEP ONE:** Fill out the required application fields, including the Owner's Occupancy Attestation on the last page (required for lot split applications only).

**STEP TWO:** Prepare your preliminary project plans. The more detailed the project plans, the more detailed will be the feedback you receive. At a minimum, submit a site plan drawn to scale, showing all dimensions, proposed setbacks, existing and proposed structures, and access.

**STEP THREE:** Submit your application by emailing it as a PDF(s) to: [planning@morganhill.ca.gov](mailto:planning@morganhill.ca.gov)

**STEP FOUR:** A planner will review your application for completeness and, if complete, will request that you pay the \$607.20 fee (\$506.00 fee plus the Long Range/General Plan and GIS/Technology Fee) prior to review.

**STEP FIVE:** A planner will review the application materials. If additional information is required to determine eligibility, the planner will request it. Once a final determination is made, the planner will email you the results of the Pre-Screen Application. You will submit this final determination with your SB9 Application.

### PROJECT INFORMATION

Site Address: \_\_\_\_\_ APN: \_\_\_\_\_ Parcel Size: \_\_\_\_\_ sf

The proposed project will use SB9 for one of the following purposes:

- |  |   |
|--|---|
| <input type="checkbox"/> <b>ONLY</b> development of two primary housing units on one parcel. | <input type="checkbox"/> <b>BOTH</b> an urban lot split AND development of up to two units on each new lot. |
| <input type="checkbox"/> <b>ONLY</b> an urban lot split of one existing parcel.              |   |

### PRIMARY CONTACT INFORMATION

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Address: \_\_\_\_\_

### ATTACHMENTS FOR SB9 PRE-SCREEN APPLICATION

- ☐ Project Plans in PDF format. Project Plans are **required**.
- ☐ Any additional supporting documents confirming SB9 Eligibility (optional)

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## SB9 Eligibility Checklist

This section will be completed by City Planning Staff; however, you are strongly encouraged to review this checklist BEFORE YOU SUBMIT ANY APPLICATION as a preliminary screening of your project's eligibility.

### SECTION A. PROPERTY ELIGIBILITY

*This section must be completed for all SB9 Applications.*

	<b>1. The site is a legal parcel <i>wholly within</i> the boundaries of an urbanized area or urban cluster, as designated by the US Census Bureau.</b>
	<b>2. The parcel is located within a single-family residential zone.</b> Single-Family Residential Zones include the zone districts below: <input type="checkbox"/> RE Residential Estate District <input type="checkbox"/> RDL Residential Detached Low Density <input type="checkbox"/> RDM Residential Detached Medium Density <input type="checkbox"/> RDH Residential Detached High Density
	<b>3. The project is a) located outside of a historic district or property included on the State Historic Resources Inventory, AND b) the site is not designated or listed as a city landmark or historic property or district.</b>
	<b>4. No Ellis Act evictions(s) have occurred for any existing housing on the property in the 15 years prior to submittal of the application.</b>
	<b>5. The project will not require demolition or alteration of the following types of housing:</b> a) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. b) Housing that is subject to any form of rent or price control. c) Housing that has been occupied by a tenant in the last three years. <i>Please provide evidence of vacancy or owner occupancy such as: property tax records, income tax records, utility bills, vehicle registration, or similar documentation.</i>
	<b>6. The parcel does not include one or more of the following protected areas:</b> a) Prime farmland or farmland of statewide importance, or land zoned or designated for agricultural protection or preservation by a local ballot measure b) Wetlands, as defined by the United States Fish and Wildlife Service c) Lands identified for conservation in an adopted natural resource protection plan d) Habitat for state and federally protected species e) Lands under conservation easement
	<b>7. The parcel is not located in a hazard area.</b> a) Very High Fire Hazard Severity Zone b) Earthquake Fault Zone c) Special Flood Hazard Area d) Other areas defined in subparagraphs (B) to (K), inclusive of paragraph (6) of subdivision (a) of California Government Code §65913.4

## SECTION B. RESIDENTIAL DEVELOPMENT ELIGIBILITY

*Required for development of two primary units on a single-family parcel. If project only proposes a lot split, skip to Section C.*

**1. The project meets wastewater treatment requirements per SB9: If units are connected to an onsite wastewater treatment system (septic system), a percolation test has been completed within the last five years, OR, within the last 10 years if the percolation test has been recertified. (Please attach, if applicable.)**

**2. If the site has been occupied by a renter in the last three years, no more than 25% of the existing structural wall will be demolished.**

Has the site been occupied by a tenant in the last three years? ☐ YES ☐ NO

*If no, please provide evidence of vacancy or owner occupancy such as: property tax records, income tax records, utility bills, vehicle registration, or similar documentation.*

If yes, does the project propose demolition of more than 25% of the existing structural walls?

☐ YES ☐ NO *If yes, your project is not eligible for SB9.*

**3. The project proposes development of no more than two primary units per parcel and no more than four units per project.**

Total number of units: \_\_\_\_\_

Number and type of Existing units: \_\_\_\_\_

Number and type of Proposed units: \_\_\_\_\_

**4. All new rental units will be rented long term (>30 days).**

Concurrent to recordation of the Parcel Map, the applicant must record a Deed Restriction identifying that the units on the properties may not be rented for a term of 30 days or less.

**5. The project a) provides one off-street parking space (10' X 20') per unit, or b) the project is exempt from parking requirements.**

The project proposes one off-street parking space/unit:

☐ YES ☐ NO

If yes, enter amount: \_\_\_\_\_

OR the project does not require parking because:

☐ Parcel located one-half mile walking distance from high-quality transit corridor or major transit stop

☐ Car share vehicle located within a block of parcel

**6. Building setbacks from the rear and side property lines are at least 4 feet.**

Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Sides: \_\_\_\_\_

**7. The project is consistent with all applicable City objective and development standards (with the exception of rear and side setbacks) in effect at the time the application is submitted, unless the development standards would preclude two primary units that are 800 square feet in size or if the development of a unit includes the conversion of, or the construction of a unit within the same location of, an existing structure.**

The project meets all of the City's objective standards: ☐ YES ☐ NO

*If no, please attach a list of the objective standard(s) the project does not meet and an explanation of how the objective standard conflicts with the requirements of SB9.*

**8. The applicant is aware that impact fees for a new primary dwelling (single family home) are required in accordance with the [Development Impact Fee schedule](#).**

## SECTION C. SB9 LOT SPLIT ELIGIBILITY REQUIREMENTS

*Required for subdivision of a single-family parcel. If project does not include a lot split, this section is not required.*

	<b>1. The existing parcel proposed for subdivision was not created by an urban lot split pursuant to SB9.</b>
	<b>2. Neither the 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 pursuant to SB9.</b>
	<b>3. The proposed subdivision creates no more than two new parcels of approximately equal net site area that are each a) minimum 1,200 square feet, AND b) minimum 40% of the lot area of the original parcel.</b>
	Lot A size: _____sf and percentage of lot area of the original parcel: _____ % Lot B size: _____sf and percentage of lot area of the original parcel: _____ %
	<b>4. Both new lots will be limited to residential uses only.</b>
	<b>5. If the project includes both an urban lot split and development of two primary housing units, the project proposes no more than four units total– can be attached or detached. (Please complete Section B.)</b>
	<b>6. The applicant has a) signed an affidavit stating that the applicant intends to occupy one of the lots as their principal residence for a minimum of three years from the date of the approval of the urban lot split (see below), OR b) provided documentation verifying owner occupancy is not required.</b>
	<b>7. The project is consistent with all applicable City objective standards and the Subdivision Map Act at the time the application is submitted.</b> The project meets all of the City's objective standards: <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If no, please attach a list of the objective standard(s) the project does not meet and an explanation of how the objective standard conflicts with the requirements of SB9.</i>
	<b>8. The applicant is aware that impact fees for a new primary dwelling (single family home) are required in accordance with the <a href="#">Development Impact Fee schedule</a>.</b>



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(required for lot split applications only)

### **Owner's Occupancy Attestation**

Under penalty of perjury the following declarations are made:

1. The undersigned is the owner of the property that is subject of this application.
2. The information presented is true and correct to the best of my knowledge.
3. I acknowledge that additional information or applications may be required prior to a decision on this application.
4. I intend to occupy one of the housing units as my principal residence for a minimum of three years from the date of the approved land division.
5. I understand that any information provided to the Development Services Department becomes part of the public record and can be made available to the public for review and/or posted to the Department websites.

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_