



SENATE BILL 9 DUPLEX & URBAN LOT SPLIT ELIGIBILITY CHECKLIST

Development Service Department • 777 B Street Hayward, CA 94541

<https://www.hayward-ca.gov/your-government/departments/planning-division/senate-bill-9>

Eligibility Worksheet – Below are eligibility requirements and objective development standards for ministerial approval of duplex development(s) and/or an urban lot split through Senate Bill 9 (SB 9). 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. Zoning. Is the project site located within a Single-Family Residential (RS) zoning district? Online GIS WebMap: https://webmap.hayward-ca.gov/	Yes No	
2. Quantity. If the project involves a duplex development and an urban lot split, the parcels are limited to two housing units per parcel. Will the project site have two or fewer units per parcel? Number of Existing Units: _____ Number of Existing Lots: _____ Total Number of Proposed Units: _____ Total Number of Proposed Lots: _____	Yes No	
3. CC&Rs and HOA Applicability. Will the proposed SB 9 development conform to any applicable Codes, Covenants & Restrictions (CC&Rs) or Homeowner Association (HOA) Rules? 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. Demolition or Alteration of Units. Does the project require the demolition or alteration of any of the following? 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"> 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. b. Housing that is subject to any form of rent or price control. (See https://www.hayward-ca.gov/residents/housing/rent-review-database) c. Housing that has been withdrawn from the rental market within the past 15 years via an Ellis Act eviction. d. Housing that has been occupied by a tenant in the last three years. If a unit was occupied by a tenant within the last three (3) years, no more than 25% of existing structural walls shall be demolished. Percentage of existing structural walls to be demolished (if applicable): _____ Date unit was last occupied by a tenant (if applicable): _____	Yes No Yes No Yes No Yes No	
5. Historic Resources. Does the project site have potential historic resources or contain any of the following? <ul style="list-style-type: none"> a. Structures developed before 1946 b. Structures that were developed after 1946 that were not part of a subdivision and that have structures that are at least 50 years old c. Properties identified to have potential historic resources by the City of Hayward's 2009 Reconnaissance Survey: https://webmap.hayward-ca.gov/ “Historic Resources” selected from the Layers dropdown menu. 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. Requirement for Historic Evaluation Report may be waived by the City Planning Director.	Yes No Yes No Yes No	

<p>8. Prohibited Site Locations. The project site cannot contain or be located in any of following. Is the site located in any of the following areas or/and does it include any of the following? 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 https://maps.conservation.ca.gov/agriculture)</p> <p>b. Wetlands defined under federal law (See https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper)</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 https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77 for federal protected species habitat)</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes <input checked="" type="radio"/></p> <p>Yes No</p>	
<p>9. Restricted Site Locations: The project site cannot contain or be located in any of the following unless certain requirements are met. If the site contains or is located in any of the following, does it meet the applicable requirements? 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 https://egis.fire.ca.gov/FHSZ/.)</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 https://geotracker.waterboards.ca.gov/ or https://www.envirostor.dtsc.ca.gov/public/.)</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 Hayward 2040 General Plan Background Report.)</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 https://msc.fema.gov/portal/home.)</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 https://msc.fema.gov/portal/home.)</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 <input checked="" type="radio"/></p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p>	
<p>10. Short Term Rental. Units shall not be utilized as short-term rentals (i.e. rentals less than 30 days). Do the applicant and property owner acknowledge this requirement?</p>	<p>Yes No</p>	
<p>11. Previous Urban Lot Split (For Urban Lot Split Applications Only). 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. Do the applicant and property owner acknowledge this requirement?</p>	<p>Yes No</p> <p>N/A</p>	
<p>12. Adjacent Urban Lot Split (For Urban Lot Split Applications Only). 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. Do the applicant and property owner acknowledge this requirement?</p>	<p>Yes No</p> <p>N/A</p>	
<p>13. Owner Occupancy (For Urban Lot Split Applications Only). 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. Does the applicant and property owner acknowledge this requirement?</p>	<p>Yes No</p> <p>N/A</p>	

Objective Standards. The following objective standards shall be met for all new development <u>unless</u> it precludes the development of two (2) 800 square-foot units on the subject property.	Compliance (Circle One)	Review (City Use)
1. Development Setbacks. New detached and attached duplex units shall be required to maintain the following setbacks listed below: <ul style="list-style-type: none"> a. Interior Side and Rear Yard: 4-Feet b. Front Yard: 20-Feet c. Street-side yard: 10-Feet d. From other buildings or accessory structures: 6-Feet Will the duplex development conform to all minimum required setbacks?	Yes No Yes No Yes No Yes No	
2. Parking. A minimum of one off-street parking space per unit shall be provided unless the parcel meets the following criteria: <ul style="list-style-type: none"> 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. b. The parcel is within one block of a car share vehicle within a fixed location. Does the project provide the minimum off-street parking requirement? By circling "Yes", the applicant is confirming that they have verified this information and will provide documentation upon request.	Yes No	
3. Maximum Lot Coverage. All new development shall not exceed the 40 percent maximum lot coverage of the project site. Will the proposed development comply with the maximum lot coverage requirement?	Yes No	
4. Building Height. 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. Will the proposed development be less than or equal to the maximum allowable height?	Yes No	
5. Minimum Lot Size. 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 (60/40 minimum proportionality). Will the proposed lot split meet the minimum lot size and proportions for each parcel?	Yes No N/A	
6. Does the proposed development meet all other applicable objective standards as outlined in Section 10-1.200 of the Hayward Municipal Code for single-family residential zoning districts?	Yes No	