



SENATE BILL 9 (2021) APPLICATION CHECKLIST AND ELIGIBILITY FORM

Application Requirements

SB 9: Two Dwelling Units and Urban Lot Splits

This form is intended for use with the State of California's Senate Bill 9 (2021) ("SB 9") ministerial permitting procedures, which the City of Laguna Niguel is required to implement (California Government Code, §§ 65852.21 and 66411.7). This form is used to apply for approval of a Two-Unit Development or of a Parcel Map for an Urban Lot Split, or of both, as allowed by state law.

The City will review or deny an application for a proposed Two-Unit Development or Parcel Map for an Urban Lot Split within 60 days from the date that the City received a complete application. Any application that is denied will be accompanied by a list of items that are defective or deficient and a description of how the applicant can remedy the application.

Any questions should be directed to the City of Laguna Niguel Planning Division, located at 30111 Crown Valley Parkway, Laguna Niguel, CA 92677. The Planning Division's counter is open Monday – Friday from 8:00 a.m. to 4:00 p.m. for in-person services. Staff can be reached by phone at (949) 362-4300 or by email at planning@cityoflaguneniguel.org.

1. APPLICANT INFORMATION (PRIMARY CONTACT):

Firm/Company Name:

Contact Name:

Phone Number: Email Address:

Address:

2. SITE INFORMATION:

Site Address:

Assessor's Parcel Number(s): Zone:

of Existing Primary Dwelling Units:

of Existing Accessory Dwelling Units (ADUs):

of Existing Junior Accessory Dwelling Units (JADUs):

Project Proposal:

of Lots Proposed: # of Units Proposed:

Is the Property in the Coastal Zone?* YES NO

* If you answer "Yes," you must obtain a Coastal Development Permit before submitting an application for an SB 9 Two-Unit Development or Parcel Map for an Urban Lot Split.

3. SINGLE-FAMILY ZONE REQUIREMENT:

If you answer “No” to the following, your property is NOT eligible for a Two-Dwelling Unit or Urban Lot Split per SB 9:

YES NO Is your property zoned RS-1 (Rural Residential), RS-2 (Residential Estate), RS-3 or RS-4 (Single Family Districts)?

4. GENERAL REQUIREMENTS FOR ELIGIBILITY:

If you answer “Yes” to any of the following, your property is NOT eligible for an SB 9 Two-Unit Development or Urban Lot Split, unless your property qualifies for a statutory exception (refer to Gov. Code, § 65913.4(a)(6)(B)-(K) as it read on September 16, 2021 [attached] for more precise definitions of these categories and information on statutory exceptions):

YES NO Does your property contain prime farmland, farmland of statewide importance, or land designated for agricultural protection by local voters?

YES NO Is your property located within a designated wetland?

YES NO Is your property located within a very high fire hazard severity zone?

YES NO Is your property located within a designated hazardous waste site?

YES NO Is your property located within a delineated earthquake fault zone?

YES NO Is your property located within a mapped 100-year floodplain?

YES NO Is your property located within a designated regulatory floodway?

YES NO Is your property located within a conservation easement or identified conservation area?

YES NO Does your property contain habitat for species identified as candidate, sensitive, or species of special status by state or federal agencies, full protected species, or plant or animal species protected by state or federal law?

5. CONT. GENERAL REQUIREMENTS FOR ELIGIBILITY:

If you answer “Yes” to any of the following, your property is NOT eligible for an SB 9 Two-Unit Development or Urban Lot Split:

YES NO Does your property have a Mills Act designation?

YES NO Is your property located within a designated historic district or a site included on the State Historic Resources Inventory?

YES NO Is your property designated as a City landmark or historic property?

YES NO Will your project require demolition or alteration of a unit that is subject to a deed restriction or other recorded instrument that limits the sale or rental of the property to income-qualified households (i.e., affordable housing)?

YES NO Will the project require demolition or alteration of a unit that has been occupied by a tenant any time in the last three years?

6. MINIMUM STANDARDS FOR TWO-UNIT DEVELOPMENTS:

Does your project comply with each of the following standards? You must answer “Yes” for your project to be eligible.

YES NO The project conforms to all applicable objective zoning, subdivision, and design review standards that apply uniformly to development within the underlying zone?*

YES NO The project includes a minimum of one off-street parking space per unit. **

YES NO Rental of any unit created under this application must be for a term longer than 30 days. You will provide a recorded deed restriction reflecting this is requirement, in a form approved by the city, prior to final occupancy.

YES NO Your property does not contain a unit that was withdrawn from the rental market in accordance with the Ellis Act within the last 15 years.

*See LNMC Title 9, Division 1, Articles 2 ([Comprehensive Zoning Code](#)) and 3 ([Subdivision Code](#)), except as required by Gov. Code, § 65852.21(b)(1)-(2).

** Unless exempt under Gov. Code, § 65852.21(c)(1)-(2).

7. GENERAL REQUIREMENTS FOR URBAN LOT SPLIT:

If you answer “Yes” to any of the following, your property is NOT eligible for an Urban Lot Split:

YES NO Was the existing lot formed through a previous SB 9 Urban Lot Split?

YES NO Is the existing lot adjacent to a lot that was created through an SB 9 Urban Lot Split by yourself or another person or entity with which you are affiliated (such as an LLC, partner, consultant)?

YES NO Does the urban lot split require demolition or alteration of a unit that was withdrawn from the rental market in accordance with the Ellis Act within the last 15 years?

8. MINIMUM STANDARDS FOR URBAN LOT SPLIT:

General:

- The Parcel Map for an Urban Lot Split must conform to all applicable objective requirements of the Subdivision Map Act and the City’s Subdivision Ordinance (*LNMC Title 9, Division 1, Article 3*).
- Maximum Dwelling Units: No more than two dwelling units of any kind (i.e., primary, ADU, or JADU) are allowed on each lot resulting from an urban lot split.
- Easements: Easements are required for the provision of public services and facilities, including, but not limited to, easements for public utilities, access, and other services.
 - Please confirm with the Public Works Department.

You must answer “Yes” to the following:

YES NO Is the lot to be split at least 2,400 square-feet?

YES NO Is each resulting lot at least 1,200 square-feet?

YES NO Is each of the resulting lots between 60 percent and 40 percent of the original lot area?

YES NO Does each resulting lot have access to, provide access to, or adjoin the public right-of-way?

▪ *Please describe:* _____

9. SUBMITTAL REQUIREMENTS:

Applications for all projects must include the following:

- Completed and signed checklist (this form)
- Preliminary title report showing current property ownership
- Evidence of vacancy or owner occupancy such as property tax records, income tax records, utility bills, vehicle registration, or similar documentation.
- Signed and notarized affidavit guaranteeing that the property has not been used as a rental for at least three years and has not been the site of an Ellis Act eviction for at least 15 years.
- If the property is located in the Coastal Zone, an approved Coastal Development Permit for the Two-Unit Project or Parcel Map for an Urban Lot Split (or if, applicable, for each or both).

In addition, the following items are required for TWO-UNIT DEVELOPMENT applications:

- Fully dimensioned site plan, drawn to scale and containing all information required for complete site plans.
- For properties with on-site septic systems: A percolation test conducted within the last five years; OR a recertification obtained within the last 10 years.

In addition, the following are items required for URBAN LOT SPLITS:

- Chain of title for the last 3 years, including the latest vesting deed or preliminary title report.
- Numbered parcel map prepared to the specifications of the Laguna Niguel Subdivision Ordinance and the Subdivision Map Act.
- Signed and notarized affidavit regarding owner occupancy for a minimum of three years from time of map recordation.
- Filing fees per current adopted fee schedule.

10. PROPERTY OWNER CERTIFICATION:

Each person or entity who holds an interest in the property is listed below. Each must sign indicating that owner's approval and consent to this application.

Property Owner Signature

Date

Property Owner of Record (PRINT NAME): _____

Mailing Address: _____

City:	State:	Zip:
Phone:	Mobile:	Email:

Property Owner Signature		Date
Property Owner of Record (PRINT NAME):		
Mailing Address:		
City:	State:	Zip:
Phone:	Mobile:	Email:
Property Owner Signature		Date
Property Owner of Record (PRINT NAME):		
Mailing Address:		
City:	State:	Zip:
Phone:	Mobile:	Email:
11. APPLICANT CERTIFICATION:		
Under penalty of perjury under the laws of the State of California, I hereby state that the information provided in this application is accurate and correct to the best of my knowledge.		
Applicant Signature		Date