



City of Laguna Niguel
 Planning Division
 30111 Crown Valley Parkway
 Laguna Niguel, CA 92677
 949-362-4300
www.cityoflagunaniguel.org

THE HOME ACT (SB-9) ELIGIBILITY CHECKLIST (FORM 222)

Applicants intending to propose a Single Lot Duplex and/or Urban Lot Split pursuant to SB-9 [Gov. Code §§65852.21 and 66411.7] must complete this checklist to demonstrate eligibility.

REQUIREMENTS OF BOTH SINGLE LOT DUPLEX PROJECTS AND URBAN LOT SPLITS

The following requirements pertain to an application to develop no more than two residential units on a single parcel within an existing single-family residential zone pursuant to SB-9, including the conversion of any existing structures that are on the site. Applicants answering "YES" to the following statements may be eligible to process their application pursuant to the ministerial process set forth in SB-9. Applicable Government Code sections provided.

	YES	NO
<p>Single-Family Residential Zone Property. The parcel is zoned RS-1 (Rural Residential), RS-2 (Residential Estate), or RS-3 or RS-4 (Single Family Districts) pursuant to the city's adopted zoning map and in the case of an urban lot split, no more than two residential units of any kind are proposed on the newly created single-family parcels or, in the case of a single lot duplex, no more than two primary units and two ADUs on the parcel.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Agricultural Farmland. The parcel, in whole or part, is not listed as prime farmland or farmland of statewide importance as designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned for agricultural preservation or protection by ballot measure.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Wetlands. The parcel, in whole or part, does not contain any wetlands as defined in the US Fish & Wildlife Services Service Manual, Part 660 FW 2 (June 21, 1993).</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Fire Hazards. The property is not located within a high or very high fire hazard zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code, unless the project complies with the city's fire hazard mitigation measures and ignition resistant construction design standards.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Hazardous Waste. The property is not listed as a hazardous waste site pursuant to §65962.5 of designated by the Department of Toxic Substances Control pursuant to §25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use.</p>	<input type="checkbox"/>	<input type="checkbox"/>

Earthquake Fault. The property is not within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection code standards adopted by the CA Building Standards Commission under the CA Building Standards Law (part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and CMC §18.04.010 where the city adopted by reference the 2019 California Building Code chapter 16, section 1613 Earthquake Loads which references chapter 18 of the American Society of Civil Engineers ASCE 7-16 manual.

YES

NO

Flood Hazards. The parcel is not located within a regulatory floodway identified on a FEMA map, unless the development has received a no-rise certification.

Demolition of Occupied/Affordable Unit. The project does not involve the demolition or alteration of housing designated for families of moderate, low or very low-income household pursuant to a recorded covenant or applicable, subject to any form of rent or price control, or housing that has been occupied by a tenant in the last three years.

Protected Habitat. The property does not contain habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

Percentage of Demolition. The proposed housing development does not result in the demolition of more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.

Withdraw of Units from Rental Market. The property has not exercised owners' rights under Government Code §7060 (the Ellis Act) to withdraw accommodations from rent or lease within 15 years.

Historic Structure. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

Conservation Lands. The parcel is not located within lands identified for conservation in a natural community conservation plan, habitat conservation plan, or other adopted natural resource plan or lands subject to a conservation easement.

Objective Development Standards. The proposed project complies with all applicable objective zoning, design, and subdivision standards, except as otherwise modified by SB 9.

Coastal Zone Protections. If the property is located within the coastal zone, the proposed project must comply with all applicable provisions of the City's certified local coastal program.

URBAN LOT SPLIT

In addition to the questions above, applicants proposing an Urban Lot Split are instructed to answer the questions below. Applicants answering "YES" may be eligible for SB-9 processing. If applying only for a Single Lot Duplex, please respond "N/A" to the questions below. Applicable Government Code sections provided.

	YES	NO	N/A
Prior Split. Is this the first time the subject parcel will be subdivided under an SB-9 Urban Lot Split application?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Neighbor Split. Are the parcels immediately contiguous to the subject property (or adjacent if separated by a street) that is proposed for an SB-9 Urban Lot Split owned by someone other than the applicant (do not share ownership interests)? If so, were those parcels previously created by an Urban Lot Split?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Required Lot Sizes. The following questions pertain to the new parcels that will be created as a result of the Urban Lot Split application.

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| • Are only two new parcels of approximately equal lot size proposed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Will none of the parcels be smaller than 40% of the original parcel size? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Will each parcel be at least 1,200 square feet in size? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Owner Occupancy Affidavit for Urban Lot Split. At the time of application for a lot split pursuant to Senate Bill 9, the applicant must sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split. (Government Code Section 65852.21(a)(4)). I affirm under penalty of perjury that I am the owner the property and will personally occupy one of the units (once construction is completed) for at least three years after the lot split is approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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SIGNATURES

Under penalty of perjury the following declarations are made:

1. I hereby certify, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer may be grounds for denial or subsequent revocation of the deemed complete status.
2. I understand this application is not a development application that authorizes an entitlement and is strictly for the purposes of determining whether a proposed project may be processed ministerially pursuant to Senate Bill 9, the HOME Act of 2021. If the proposed project is not subject to SB 9, then a new application may be required.
3. I understand and agree that any report, study, map or other information submitted to the city in furtherance of this application will be treated by the city as a public record which may be reviewed by any person and if requested, that a copy will be provided by the City, except as otherwise provided by law.
4. I understand that this application cannot be submitted and deemed complete by staff at the submittal appointment.
5. If the applicant is not the Property Owner, both the Property Owner and Applicant must sign this affidavit. By signing this affidavit, the Property Owner authorizes the Applicant listed in this application to act as the Property Owner's agent on all matters in connection with this application.
6. I understand and agree to defend, indemnify, and hold harmless, the City of Laguna Niguel, its officers, agents, employees, and volunteers (collectively "city"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution and Public Records Act requests (collectively "actions"), arising out of any city process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the city for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all costs (including litigation costs, administrative record preparation, public records act responses) and attorneys' fees, all judgments or awards, damages, and settlement costs. The City will promptly notify a subdivider of any claim, action, or proceeding arising out of any city process or approval prompted by this Action and that the local agency will cooperate fully in the defense. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.

PROPERTY OWNER INFORMATION			APPLICANT INFORMATION (if different from P/O)		
PROPERTY OWNER NAME			APPLICANT NAME		
PROPERTY OWNER ADDRESS			APPLICANT ADDRESS		
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
PHONE			PHONE		
E-MAIL			E-MAIL		
SIGNATURE			SIGNATURE		