

SB 9 DUPLEX PROJECT - ZONING CONFORMANCE CHECKLIST

IMPORTANT! Before creating plans, property owners and design professionals should review this checklist. This checklist helps verify if your project qualifies for a duplex under SB 9 and the City's Zoning Ordinance. Only projects that qualify may proceed to apply for and obtain a building permit.

[Senate Bill 9](#) (SB 9), passed in 2021, allows for construction of up to two units on a property zoned single-family residential. The City's [Ordinance 30706](#) further specifies that the two units must be a duplex and the zoning district must be R-1-1, R-1-2, R-1-5, R-1-8, R-1-RR or begins with "PD". More specifically:

- You may create a duplex by remodeling the existing house or adding on to it;
- You may demolish an existing house and build a new duplex; or
- You may build a new duplex on a vacant lot where the zoning begins with "R-1" or "PD".
- Existing structures on a lot are not a constraint if those structures can be converted or demolished to make room for the new units.
- State law allows that each unit of the duplex may be at least 800 sq. ft. If your lot size and the City's setback standards (see Part 3) preclude construction of two 800 sq. ft. units, please email us at ZoningQuestions@sanjoseca.gov, explain the circumstances, and attach a PDF of a rough site plan showing your lot dimensions.

Adding Accessory Dwelling Units (ADUs) to an SB 9 Project - After the duplex is constructed, per state and local laws, you may apply for a building permit to construct up to two ADUs, as long as they conform to setbacks and height limits as specified on the [ADU Universal Checklist](#). This potentially enables up to four units on the property (a duplex plus either two detached ADUs or one attached ADU). Learn more about the ADU permit process at www.sanjoseca.gov/ADUs.

SB 9 Subdivisions - If you are pursuing a subdivision under SB 9, please refer to the [SB 9 Subdivision Checklist](#), also found at www.sanjoseca.gov/PlanningApplications.

Understand any CC&Rs before proceeding - If your lot is subject to Conditions, Covenants, and Restrictions (CC&Rs), you are advised to check your property title and consult with your homeowners association, as applicable, to identify such CC&Rs before applying for an SB 9 project. CC&Rs may restrict the number of units that can be built on a property. Note that the City cannot enforce a private agreement between property owners.

For questions, email ZoningQuestions@sanjoseca.gov or speak with a City Planner at **408-535-3555** during these [service hours](#).

Para información en español, comuníquese con un Planificador de la ciudad al **408-793-4100**

Để được hỗ trợ, nói chuyện với Người lập kế hoạch thành phố tại **408-793-4305**.

INSTRUCTIONS

Respond to the checklist questions, placing a checkmark in the Yes or No column. Read the outcome to see if your project may proceed. To complete this checklist, you will need to know your property designations; see below.

How to Find Property Designations - Find property designations at www.SJPermits.org by tapping "Permits & Property Information." Then enter your address. On the next screen, click on your property and select "Property Information." A list of designations will appear.

Record a Deed Restriction - Prior to approval of the building permit, you must record a deed restriction identifying that the units on the property may not be rented for a term of 30 days or less. Staff will provide you with further instruction after you submit your building permit application.

continued>

QUESTIONS

YES	NO
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PART 1. PROPERTIES THAT QUALIFY	
<p>1. Do you have a San José address? This worksheet is only for properties in the City of San José. If you are uncertain, you can confirm that a property is in San José at SJPermits.org (see instructions, page 1).</p> <p>> Outcome: If yes, you can proceed. If no, contact the jurisdiction where your property is located.</p>	
<p>2. Zoning. Is the property in a residential zone that begins with R-1 or PD? Find out at SJPermits.org. If you have questions about a PD zone, speak with a Planner at 408-535-3555 during these service hours.</p> <p>> Outcome: If yes, you can proceed with submitting a project. If no, an SB 9 project is not allowed.</p>	
PART 2. PROPERTY DESIGNATIONS / CHARACTERISTICS	
<p>3. Properties that are excluded. Is your property located outside of all of the areas list below? Note that it is uncommon for items (a) through (e) to apply to residential properties.</p> <ul style="list-style-type: none"> a. Prime farmland or farmland of statewide importance. b. Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2. c. A hazardous waste site listed by the Department of Toxic Substances Control (DTSC). d. Lands identified for conservation or lands under a conservation easement. e. Habitat for protected species. f. Property listed on the City’s Historic Resources Inventory. <p>> Outcome: If yes — your property is located outside of all of these areas — you can proceed. If no to any of the above (meaning the property is located in one or more areas), an SB 9 project is not allowed.</p>	
<p>4. Is your property located within a 100-year floodplain or a floodway? Check the Flood Hazards Zone Map. If you have questions after checking the map, call Public Works at 408-535-7803 or email floodzoneinfo@sanjoseca.gov.</p> <p>> Outcome: If yes, your project may proceed but will have special building requirements; for the applicable building requirements, email InfoInspector@sanjoseca.gov.</p>	
<p>5. Is your property located within a Geohazard Zone? Check the Geologic Hazard Zones Map or look for the designation “geohazard” or “landslide” at SJPermits.org.</p> <p>> Outcome: If yes, you will need to obtain a Geologic Hazard Clearance. Call Public Works at 408-535-7802 or email pwgeneralinfo@sanjoseca.gov.</p>	
<p>6. Is your property located within a Very High Severity Fire Zone? Check the Fire Hazard Severity Zones Map.</p> <p>> Outcome: If yes, your project will have special building requirements. For the applicable building requirements, email InfoInspector@sanjoseca.gov.</p>	
<p>7. Easements. Does the property have a dedicated easement? Easements are described in the title report that came with the purchase of your home, or contact a title company for a copy. Tract and parcel maps at the County Surveyor Record Index tool at http://bit.ly/2ZhGjXc may show easements, but may be less accurate than a title report.</p> <p>> Outcome: If yes, you must comply with the requirements of the easement, which may include no construction allowed within the easement area.</p>	

QUESTIONS

YES NO

PART 3. MINIMUM SETBACKS AND HEIGHT LIMITS

Note: You may propose one structure to be built across the shared property line that results from an SB 9 subdivision, as long as Building and Fire Codes are met.

8. Front Setback. The front setback is the distance from the front property line to front of the unit. Does your project concept comply with Table 20-60 of [Zoning Ordinance 20.30.200](#) for front setback requirements for your zoning district, either as shown below or as allowed by the "block average exception" found in [Chapter 20.30.240](#)?

Zoning District	R-1-8	R-1-5	R-1-2	R-1-1	R-1-RR	PD (Planned Development)
Minimum Front Setback	20'	20'	30'	30'	50'	Setbacks according to CC&Rs of the PD zone will apply

> **Outcome:** If yes, the project may proceed. If no, the City will not approve your project.

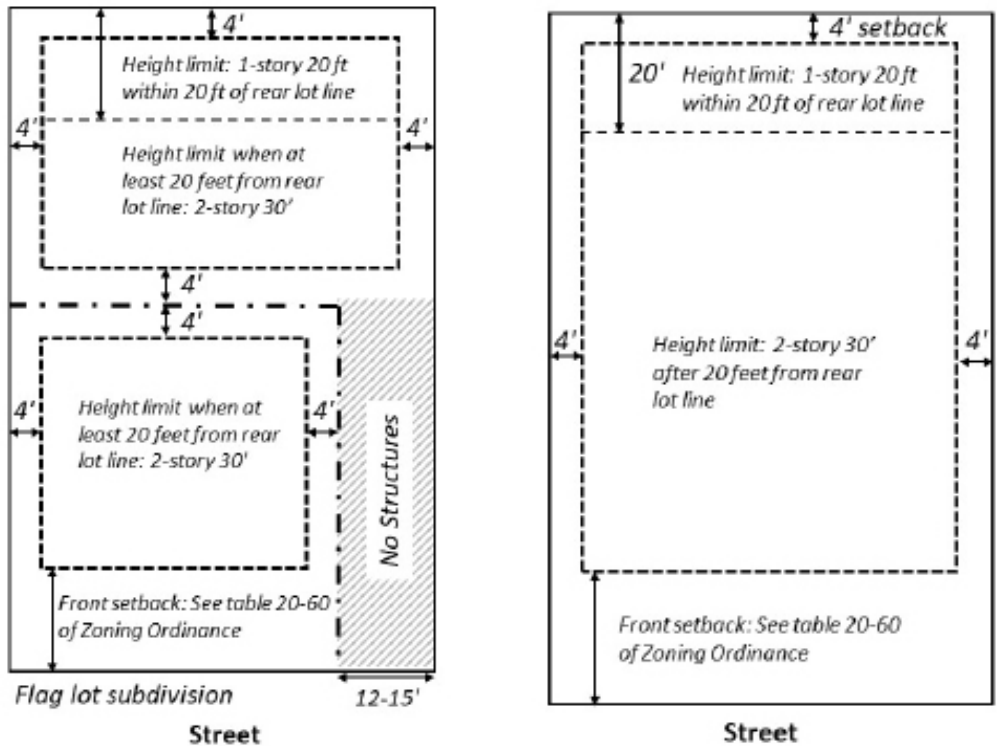
9. 4' Minimum Side and Rear Setbacks. The required distance from the side property lines to the unit and from the rear property line to the unit is 4 feet minimum; for side setbacks only, there are exceptions as found in [Chapter 20.30.250-260](#). Encroachments to less than 3 feet from the property line are not allowed. Does your project meet the side and rear setback requirements?

> **Outcome:** If yes, the project may proceed. If no, the City will not approve your project.

10. Maximum Height. Units may not exceed 30 feet in height and be no more than two stories. Within 20 feet of the rear property line, a unit must not exceed 20 feet in height and be no more than one story; for an SB 9 subdivision project, this 20-foot/1-story limit does not apply where one unit's rear property line is shared with the other parcel that resulted from the subdivision. Does your project meet these maximum height requirements?

> **Outcome:** If yes, the project may proceed. If no, the City will not approve your project.

ILLUSTRATION OF MINIMUM SETBACKS AND HEIGHT LIMITS



QUESTIONS

	YES	NO
PART 4. UNIT RENTAL STATUS AND SIZE		
<p>11. Protected Units. Does the property contain an existing residential unit where any of the following apply:</p> <p>a. Is the unit subject to the City’s Rent Control Ordinance?</p> <p>b. Has the Ellis Act Ordinance has been exercised to remove the unit from the rental market within the last 15 years?</p> <p>c. Has the unit been occupied by a tenant in the last three years?</p> <p>> Outcome: If yes to any of the above, the project may proceed but the unit cannot be altered or demolished.</p>		
<p>12. Unit Size. Please answer the following:</p> <p>a. Is the combined Floor Area Ratio (FAR) of both proposed units less than 0.45? > Outcome: If yes, the project may proceed. If no, go to Question 12.b.</p> <p>b. If FAR exceeds 0.45, is each unit no greater than 800 sq. ft (measured in the same way as FAR)? > Outcome: If yes, the project may proceed. If no, the City will not issue you a building permit.</p>		
<p>13. Unit Size on SB 9 Subdivision Project (leave blank if not applicable). On a property to be created by an SB 9 subdivision, is the Floor Area Ratio of a single unit less than 0.45? > Outcome: If yes, the project may proceed. If no, the City will not issue you a building permit.</p>		
PART 5. PARKING		
<p>14. Parking Requirements. For an SB 9 duplex project, you must provide parking for each unit unless your project qualifies for an exemption, as described below:</p> <p>Allowed Locations for Parking Space</p> <ul style="list-style-type: none"> • For duplex: Garage, carport, or outside of front and side setbacks on a surface free of mud or dust. • For single-family home: Garage or carport that meets all setback requirements. • For all units: Garage may not exceed 50 percent of the dwelling unit/s façade facing the street. <p>Exemptions - You are exempt from providing a parking space if any of these conditions apply:</p> <ul style="list-style-type: none"> • There is a car-share vehicle located within one block of the property. • The property is within a half-mile walking distance of: <ul style="list-style-type: none"> – A bus line with bus service occurring at least every 15 minutes during peak commute hours; or – An existing bus rapid transit stop or rail stop; or – The intersection of two or more major bus routes with bus service occurring at least every 15 minutes during peak commute hours. <p>Based on the requirements described above, does your project either propose one parking space per unit or qualify for an exemption?</p> <p>> Outcome: If yes, the project may proceed. If no, the City will not approve your project.</p>		

For questions about this checklist, please see the contact information on page 1.