

Presentation will begin at 6:30 pm



Senate Bill 9

Zoning Ordinance

Amendments

STAFF: ROBERT CAIN, JOANNA WILK, & BHARAT SINGH

COUNTY OF SANTA CLARA COUNTY

DEPARTMENT OF PLANNING AND DEVELOPMENT

PUBLIC OUTREACH MEETING AUGUST 4, 2022

Overview

Senate Bill 9 (SB 9) is one of eight new laws aimed at addressing the California Housing Crisis.

Urban Two-Unit Development. Qualifying parcels in urban, single-family residential zones can ministerially develop two (2) primary units (one (1) single-family residence, one (1) Urban Primary Unit) plus one (1) ADU and one (1) junior ADU.



Up to 2 units
+1 ADU & +1 JADUs

Urban Lot Splits (Subdivisions). Qualifying parcels in urban, single-family residential zones can ministerially subdivide into two (2) lots of roughly equal size (two (2) total dwelling units per lot; one (1) single-family residence, one (1) other unit).



Up to 4 total units

Overview

SB 9 overrides some local development standards.

The goal of SB 9 is to make it easier for property owners to develop housing in urban areas; Projects are barred from discretionary reviews, public hearings, and are exempt from CEQA.

Projects utilizing SB 9 have reduced setbacks and minimum lot sizes; jurisdictions must waive other development standards which would prevent projects on qualified parcels.

SB 9 also extends Parcel Map expiration dates for projects which require expensive off-site improvements

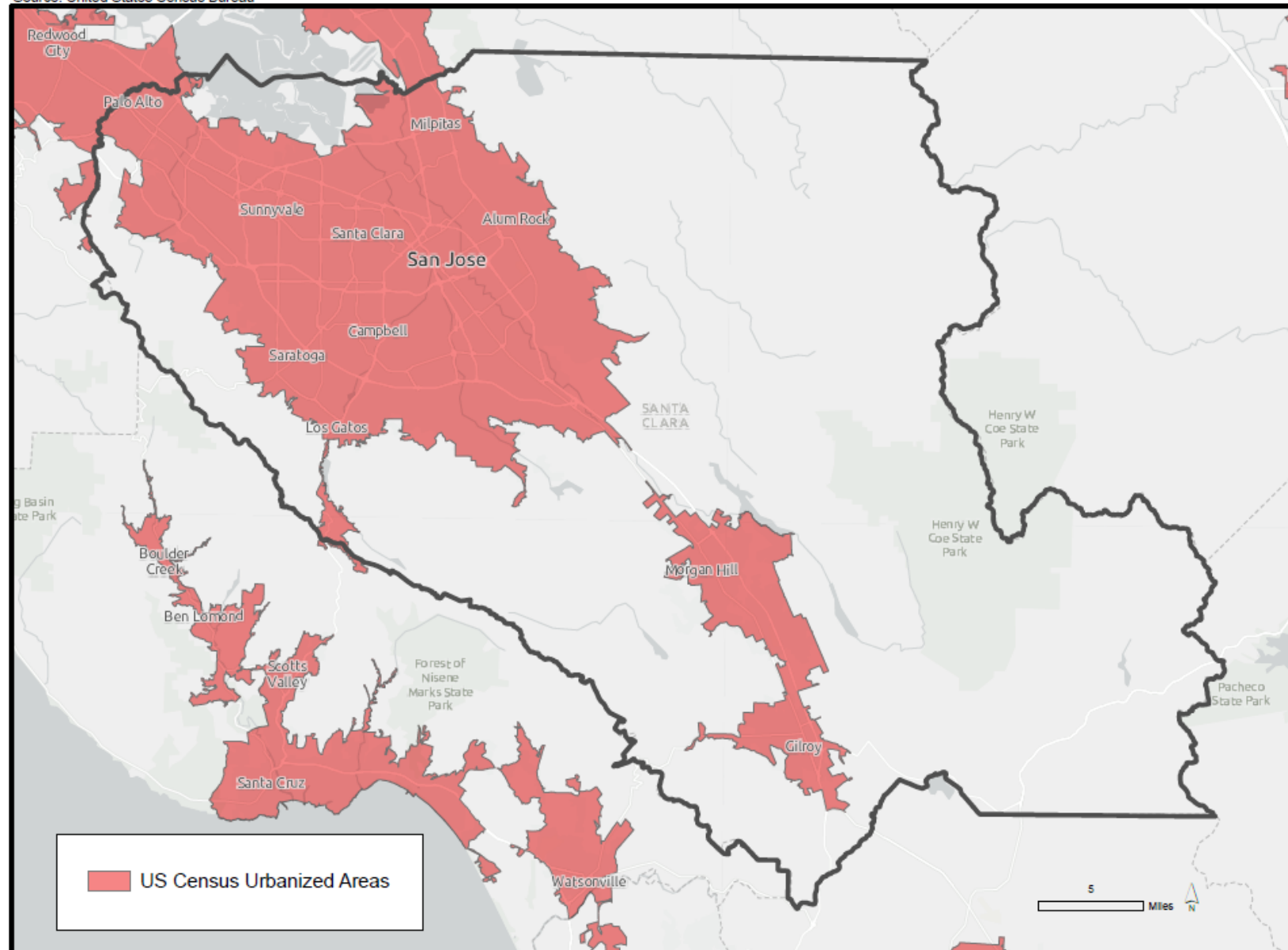
Applicability

SB 9 applies to “Urban” areas

Defined in the bill as “located within a city.... or, for unincorporated areas, ***a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.***”

Santa Clara County Urbanized Areas

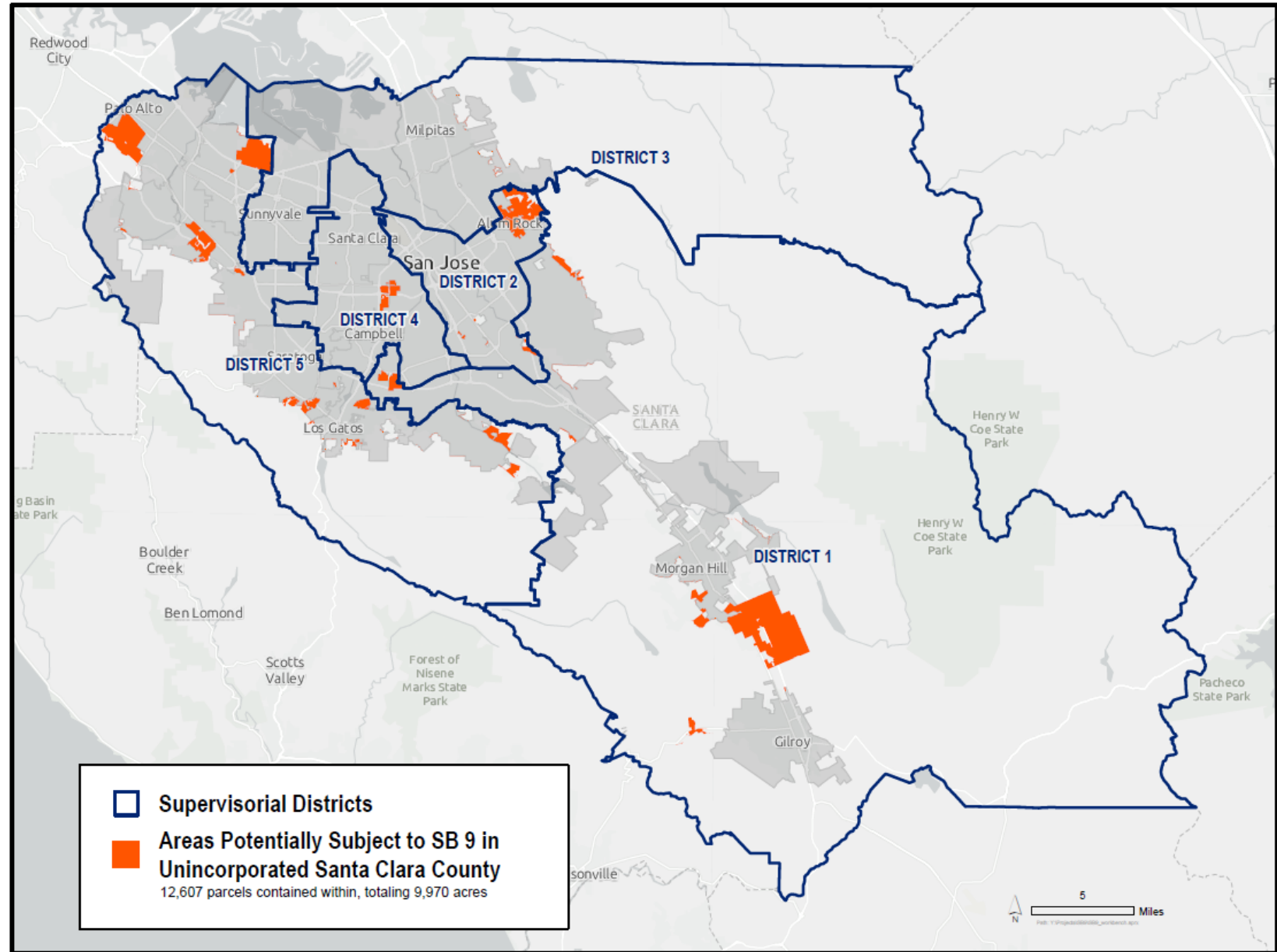
Source: United States Census Bureau



Applicability

This map shows potentially subject parcels

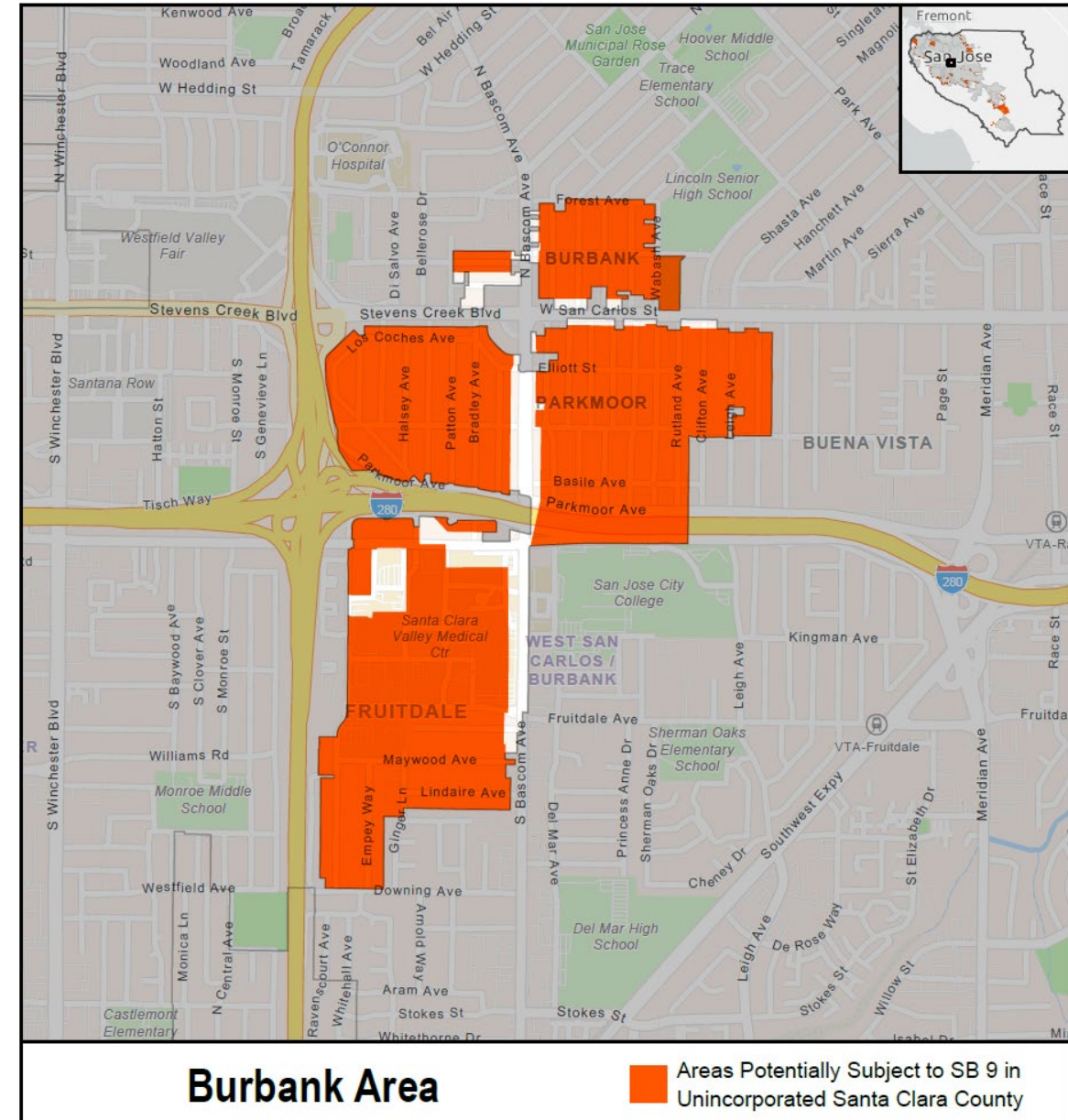
- **R1, R1E, RHS, R1S, and RR** are single-family residential (SFR) zones.
- -d, -sr, and -n zones may be subject to additional restrictions.
- -h zones are not included.



Applicability

This map shows potentially subject parcels in the Burbank Area

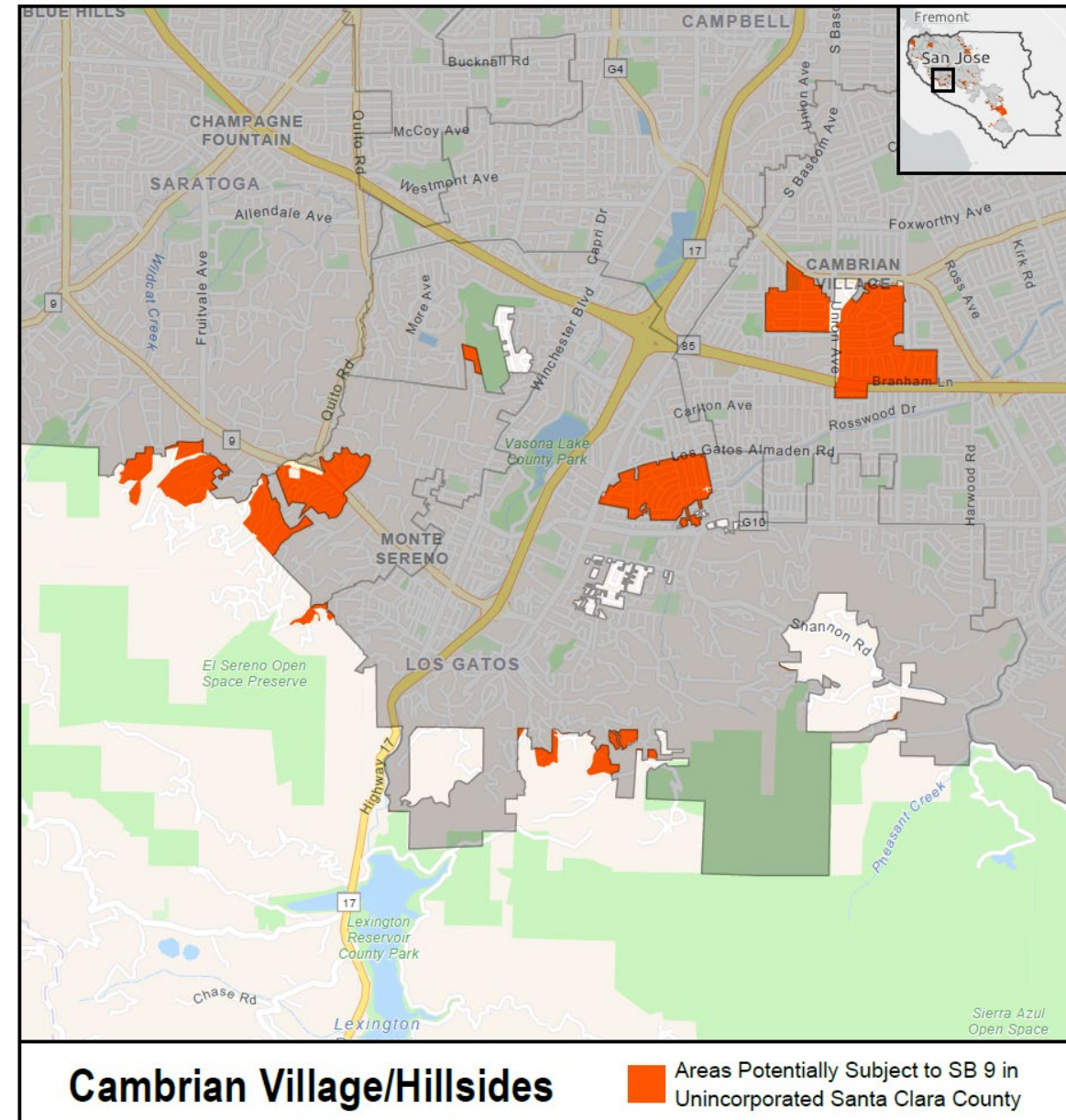
- R1, R1E, RHS, R1S, and RR are single-family residential (SFR) zones.
- -n zones may be subject to additional restrictions.
- Commercial zones along Bascom and San Carlos are not included.



Applicability

This map shows potentially subject parcels in Cambrian Village and nearby areas

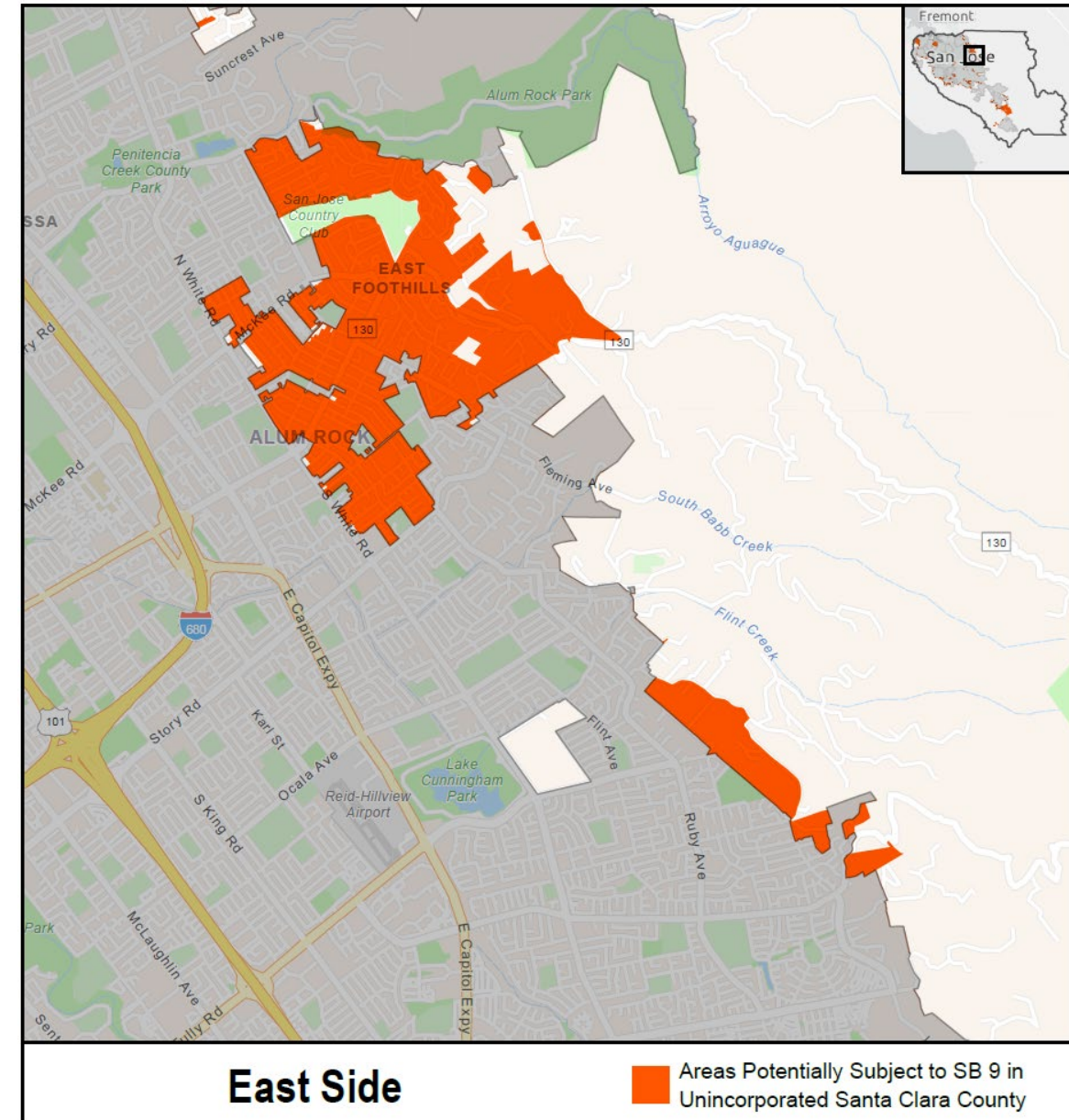
- **R1, R1E, RHS, R1S, and RR** are single-family residential (SFR) zones.
- -d, -sr, and -n zones may be subject to additional restrictions.
- Commercial and multi-family districts along Union Ave are not included.



Applicability

This map shows potentially subject parcels in Alum Rock and East Foothills areas

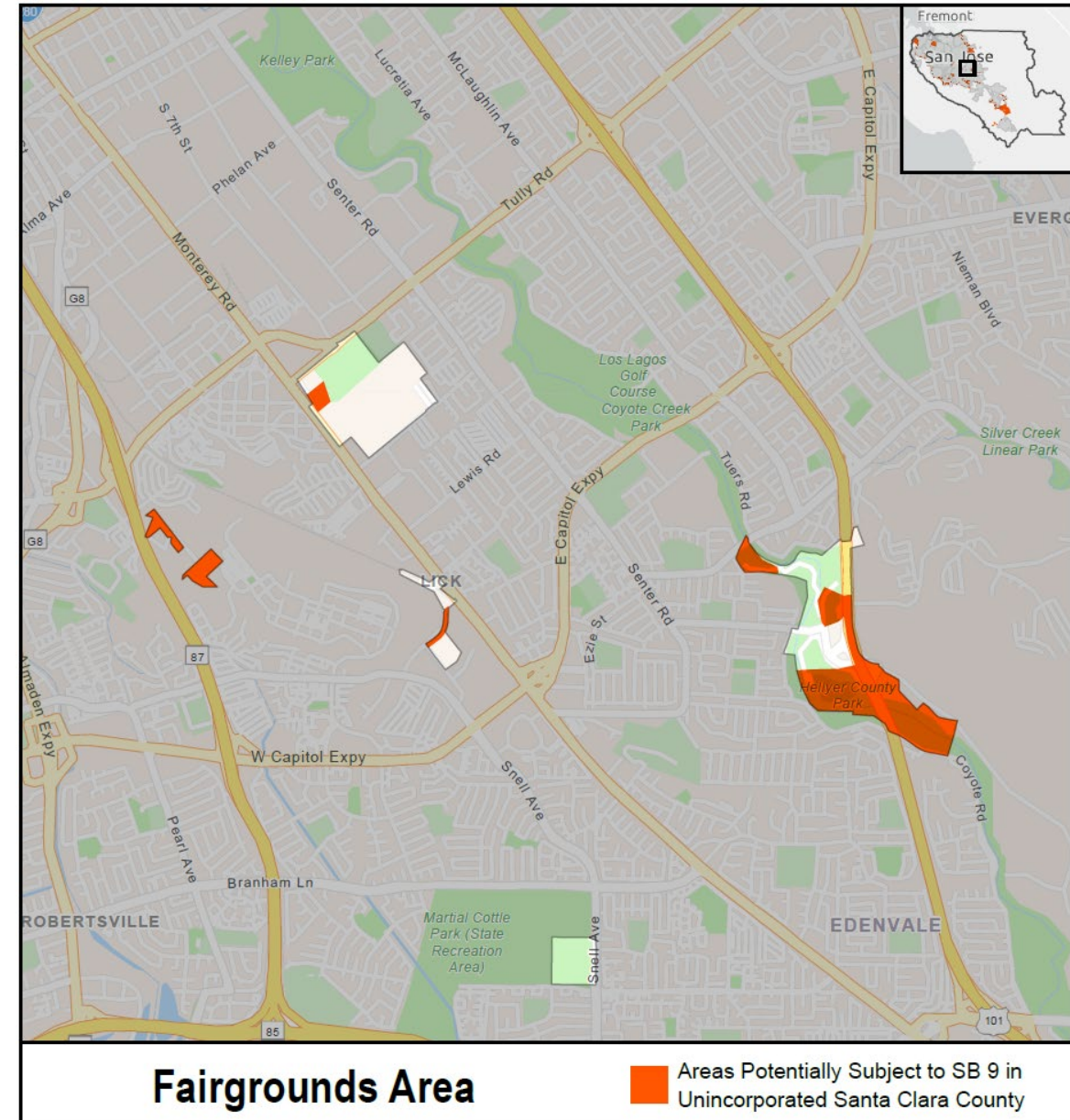
- R1, R1E, RHS, R1S, and RR are single-family residential (SFR) zones.
- -d, -sr, and -n zones may be subject to additional restrictions.
- HS zones are not included.



Applicability

This map shows potentially subject parcels in the Fairgrounds area

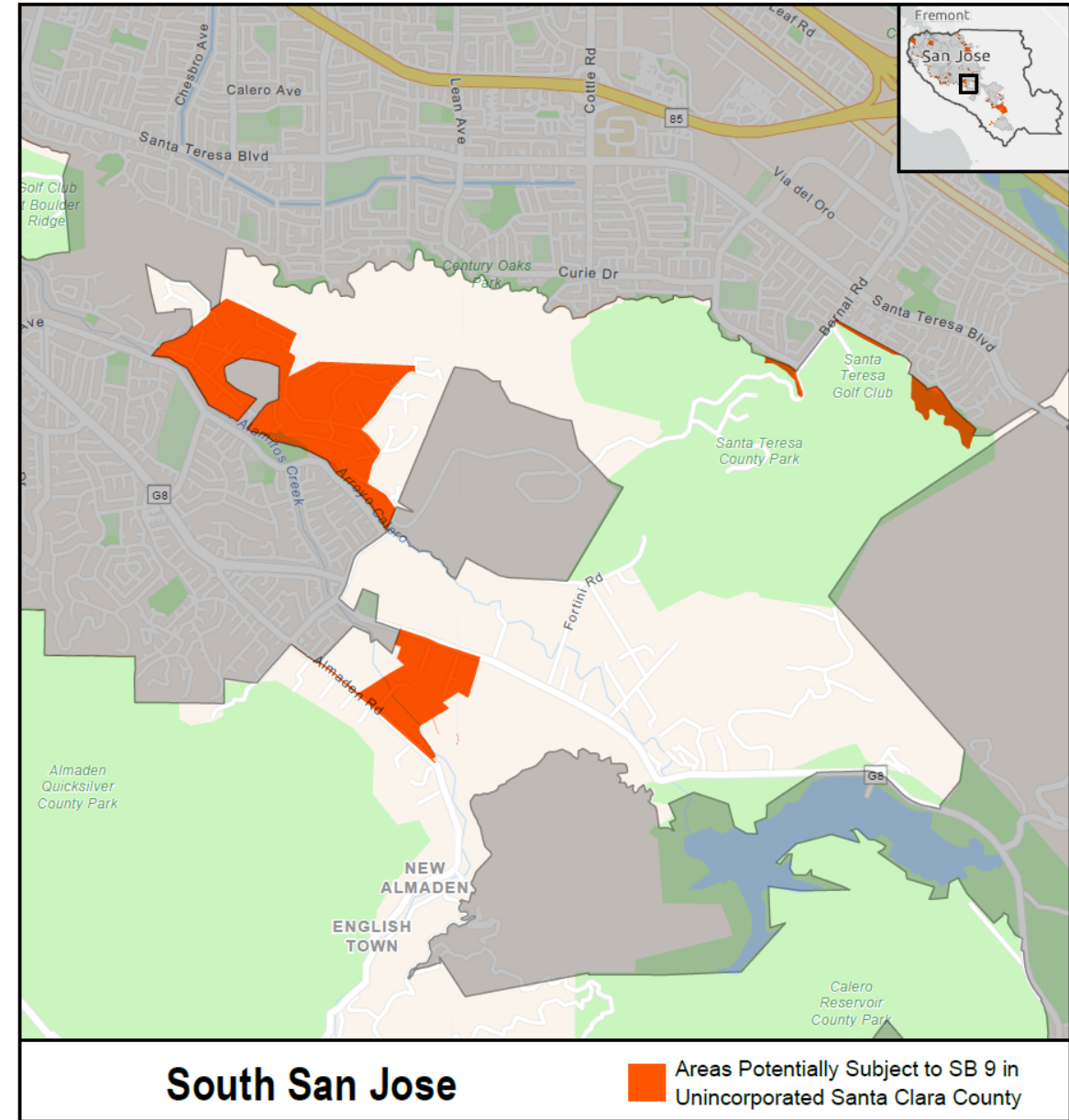
- **R1**, **R1E**, **RHS**, **R1S**, and **RR** are single-family residential (SFR) zones.
- -d, -sr, and -n zones may be subject to additional restrictions.
- Some County properties are not included.



Applicability

This map shows potentially subject parcels in the South San Jose area

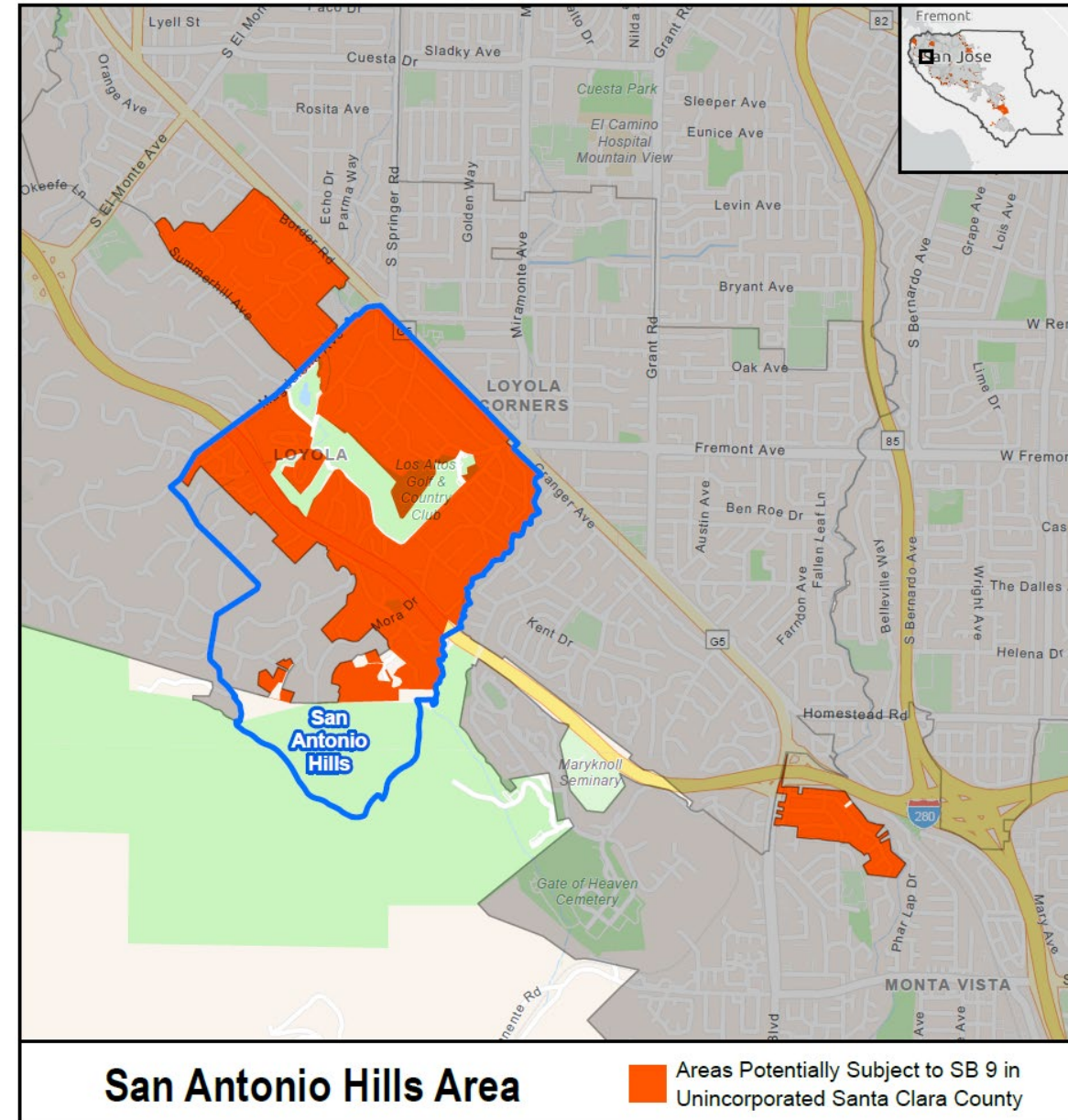
- **R1**, **R1E**, **RHS**, **R1S**, and **RR** are single-family residential (SFR) zones.
- -d, -sr, and -n zones may be subject to additional restrictions.
- County Parks, A, HS, and -h zones are not included.



Applicability

This map shows potentially subject parcels in the San Antonio Hills area

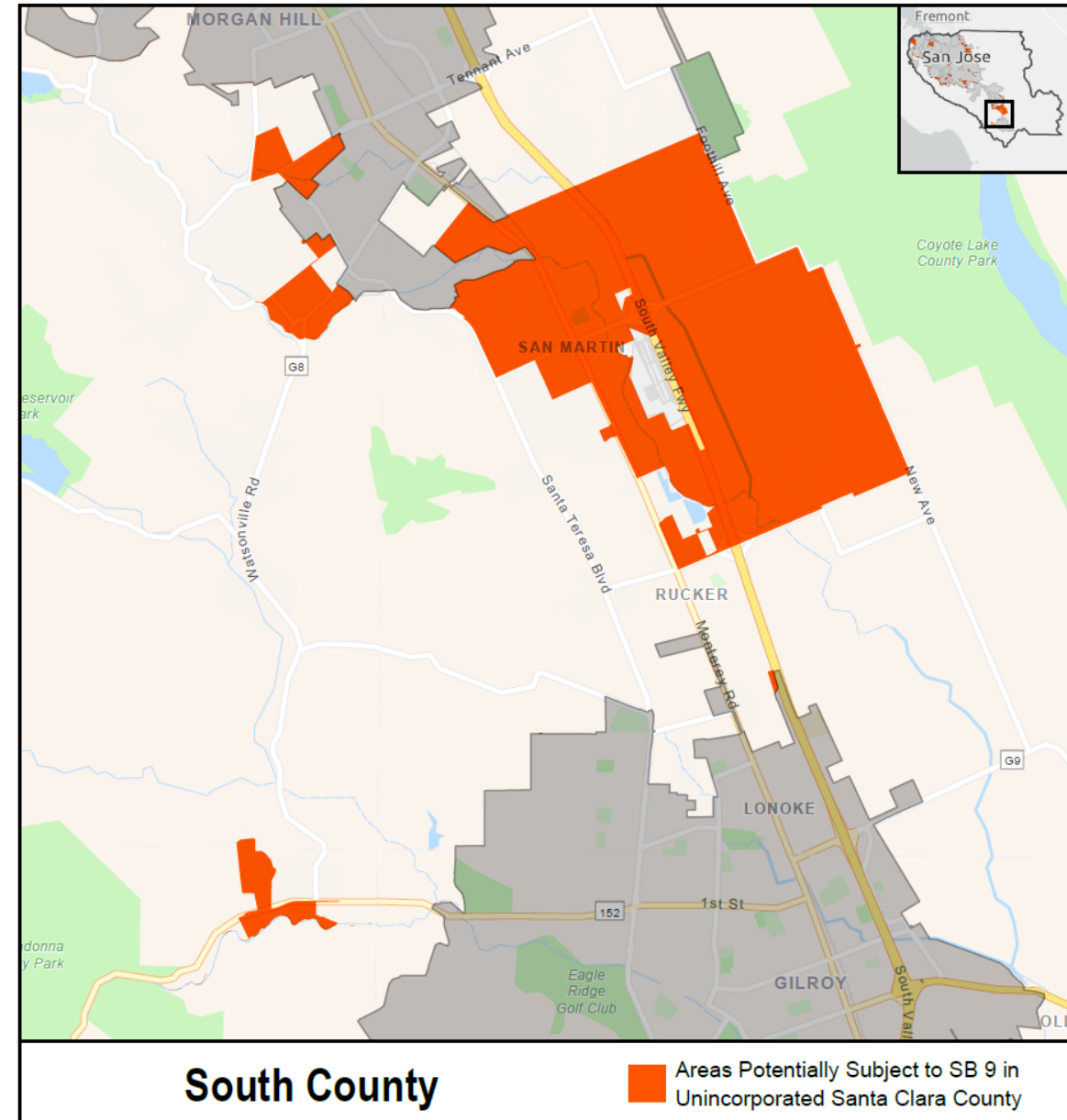
- R1, R1E, RHS, R1S, and RR are single-family residential (SFR) zones.
- -d, -sr, and -n zones may be subject to additional restrictions.
- The County Club and County Parks are not included.



Applicability

This map shows potentially subject parcels in the South County

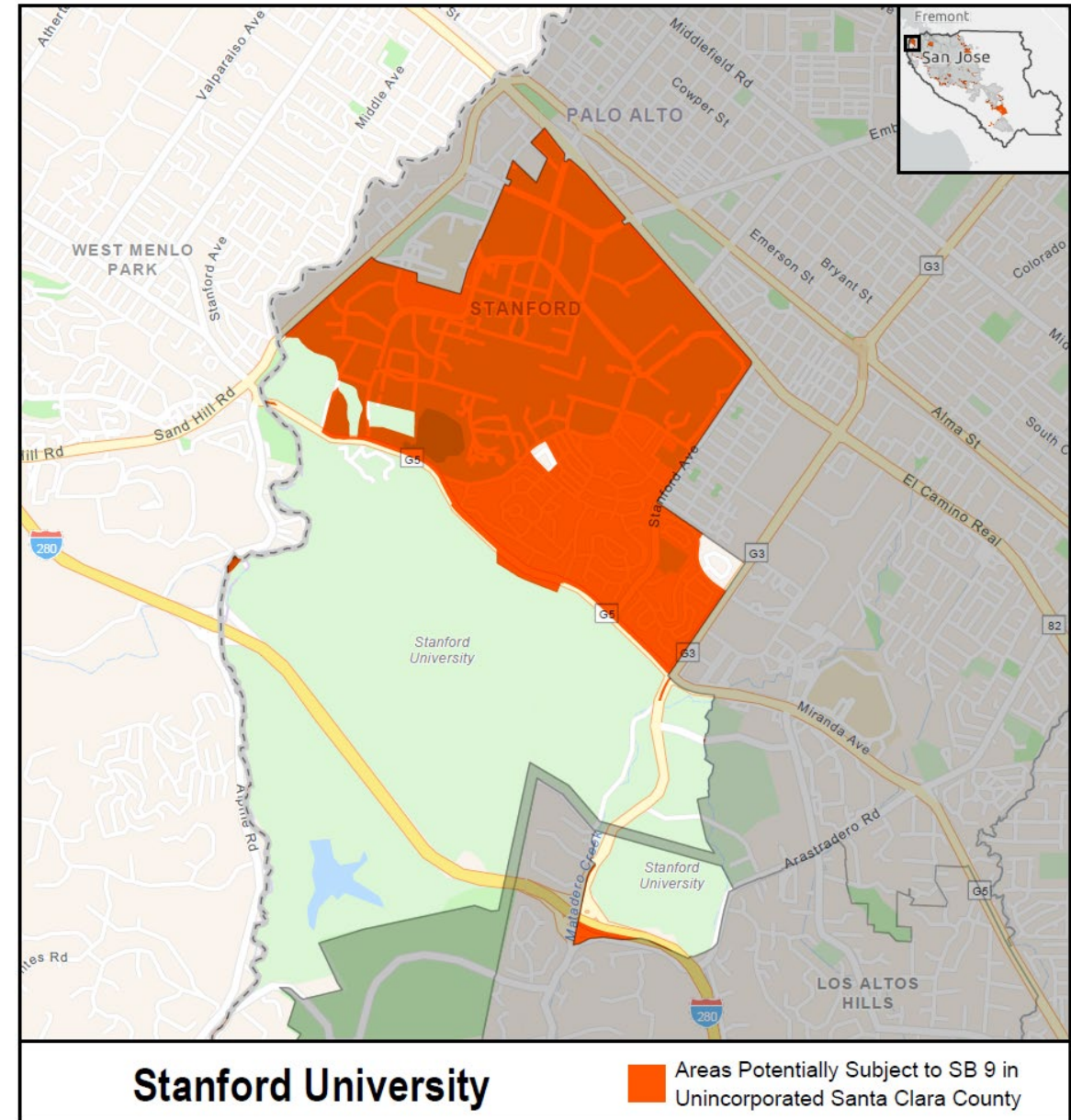
- **RR** is a single-family residential (SFR) zone.
- -d and -sr zones are subject to additional restrictions.
- A zones, the Airport, and lower density areas are not included.
- Properties with Prime Farmland, Wetlands (including creeks), or habitat for special status species cannot use SB 9



Applicability

This map shows potentially subject parcels in the Stanford area

- **R1S** and **A1** are similar to single-family residential (SFR) zones.
- **R3S** and park lands are not included.



Applicability

See Department website for more information

<https://plandev.sccgov.org/senate-bill-9>

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Senate Bill 9

Learn if you can add dwelling units to your property under Senate Bill 9?

Read More



Applicability

SB9 requirements for qualifying parcels across the state

- Must have adequate **septic**/sewer.
- Cannot demolish **affordable housing** or housing that has been **occupied by a renter** in the past three (3) years.
- Applicants for an 'Urban Lot Split' must **reside on the property** for no less than three (3) years.
- SB 9 units cannot be rented for less than 30 days.
- 'Urban Lot Split' can **only be used once** on a property.

NOTE: **The Building Official can deny any project on a case-by-case basis if they make a written finding that there would be a specific, adverse impact upon public health and safety or the physical environment for which there is no mitigation or way to avoid.*

Development Standards

SB9 imposes development standards

- Existing local standards which do not allow for the development of **two (2) 800 square foot** dwelling units on SB 9 lots will be adjusted on a case-by-case basis.
- Parking requirements reduced or eliminated.



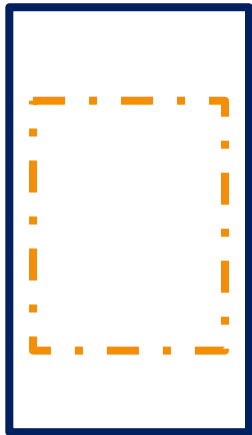
*NOTE: SB 9 only requires jurisdictions to approve two (2) total dwelling units on lots subdivided using the 'Urban Lot Split' provision.

Development Standards

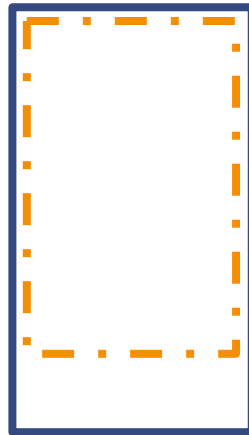
SB9 imposes development standards

- Urban Primary Units under SB 9 have a side and rear **setback of four (4) feet**.

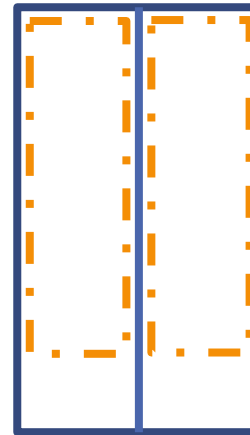
No SB 9



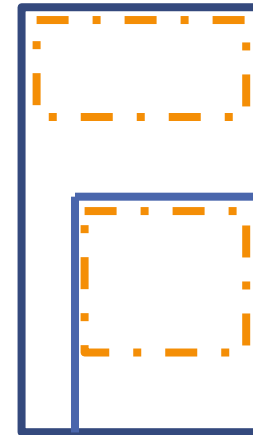
SB 9, No
Lot Split



SB 9
Lot Split



SB 9
Lot Split



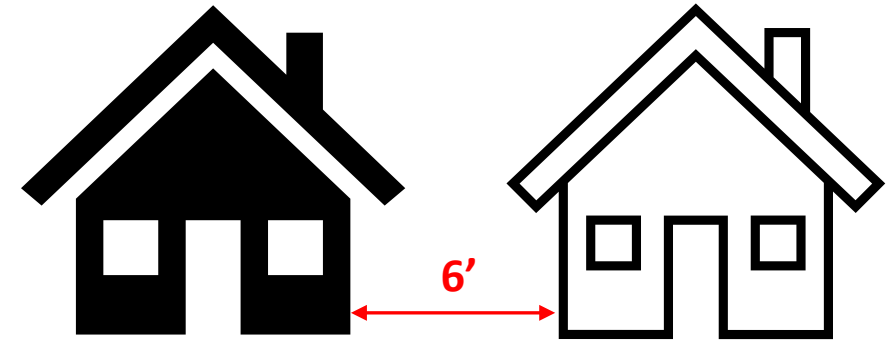
Main Road



Development Standards

SB9 allows additional objective development standards

- Staff is proposing additional objective development standards for SB 9 projects:
 - Units may be attached or detached
 - Units must maintain the same front setback as a single-family residence
 - Fire ratings for walls within 5 feet of a property line
 - Separation of 6 feet between structures on the same property



Development Standards

SB9 allows additional objective development standards

- Objective development standards for size of SB 9 projects:
 - Units shall not exceed **1,600 square feet**
 - This size is slightly larger than the median single-family residence size across all eligible zoning districts
 - Alternative maximums ranging from 1,200 to 2,000 square feet have been proposed

Base Zoning District	Number of Parcels	Median SFR floor area (sq ft)
R1	8,231	1,210
R1E	1,343	2,520
R1S	709	2,400
RHS	222	3,001
RR	3,886	2,044
All	14,391	1,543

* SMPAC and PC did not reach consensus on the cap, but discussed a range between 1,200 and 2,000

Development Standards

SB9 allows additional objective development standards

- Objective development standards for privacy concerns for SB 9 projects:
 - Clerestory windows
 - Balcony, second-story deck, rooftop deck restrictions
 - Outside stairway restrictions



Development Standards

SB9 allows additional objective development standards

- Objective development standards for special districts for SB 9 projects:
 - **Design Review standards** for LRV and wall plane size in -d, -d1, -d2, and -sr districts
 - **800 sf Floor Area Ratio (FAR)** exemption in -n1 and -n2 districts

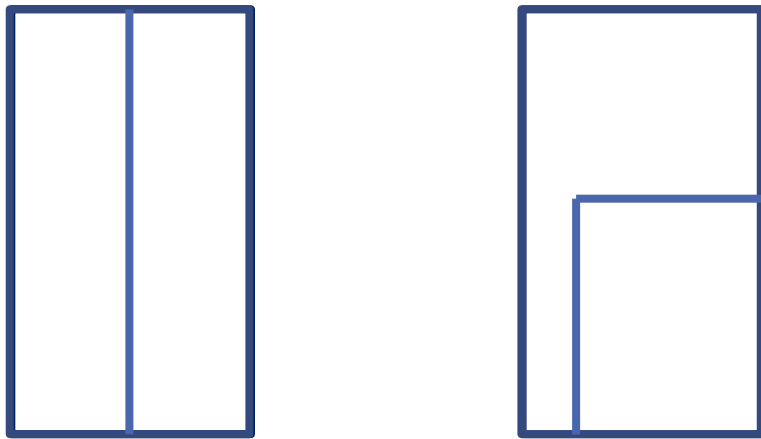


Development Standards

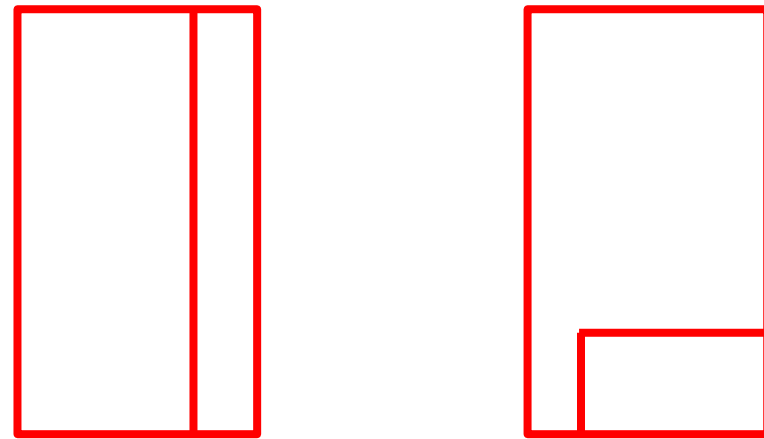
SB9 imposes development standards

- Lots created using an **'Urban Lot Split'** must be at least **1,200 square feet** in area, must be roughly equal in size.
- Lots can only be split using SB 9 once. Restricted to residential uses.

Allowed



Not Allowed



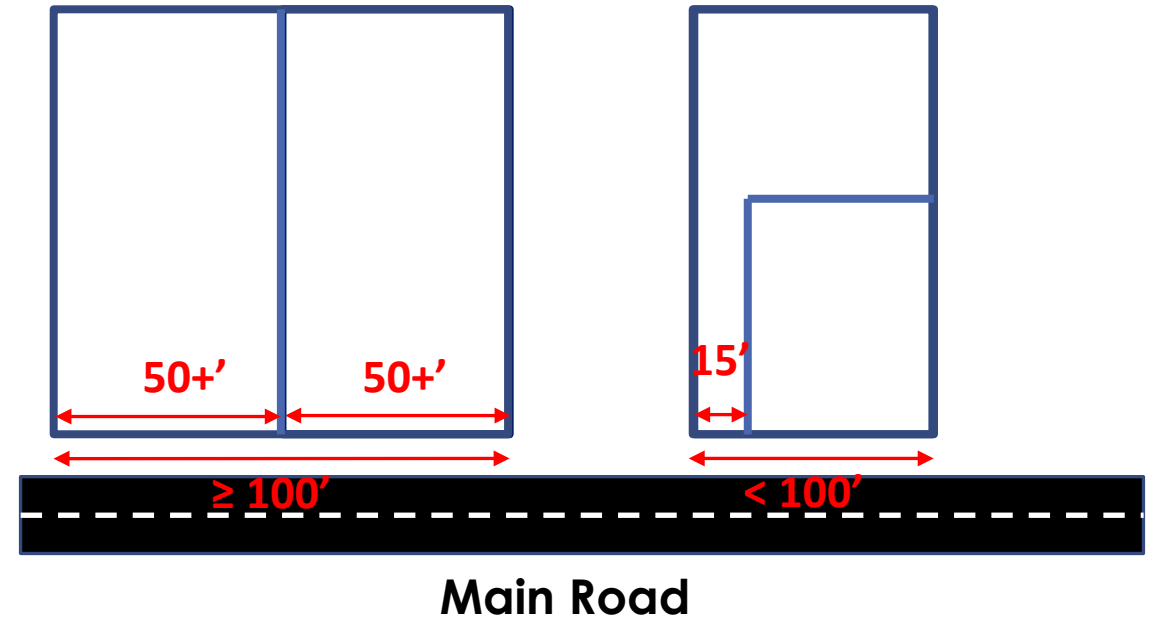
Main Road



Development Standards

SB9 allows additional objective development standards

- Objective development standards for Urban Lot Split design:
 - **50-foot street frontage** for each parcel
 - If lot cannot accommodate this frontage, a flag lot will be required with a **15-foot-wide access corridor**



Timeline

1. Draft Amendments (Ongoing)
2. Public Outreach (April - August)
 - County Wide - April 19, August 4
 - San Martin - April 20
 - San Antonio Hills - April 21
 - West County - April 28, July 20
 - SMPAC, PC, and HLUET (December, June)
3. San Martin Planning Advisory Committee for recommendation (July, August)
4. Planning Commission for recommendation (July)
5. Board of Supervisors for consideration of ordinance (August)

How to Apply

SB 9 projects undergo a staff-level review

SB 9 additional units are submitted as Building Permits.

SB 9 lot splits are submitted first as a Tentative Map, then a Final Map.

- Create an account in the Department's Public Portal.
- Submit plans and required documents, note that it is an SB 9 project.
 - See Website for Checklist of required items
 - An occupancy affidavit is required for lot splits
- An Application Request (AR) record will be reviewed by Staff, additional information may be requested.
- After initial review, the application will be routed to all reviewers and fees invoiced.



Questions?

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Bharat Singh, Principal Planner

<https://plandev.sccgov.org/senate-bill-9>