



City of San Jose
Senate Bill 9 (SB 9)
Objective Design Standards

Community Meeting

August 2024



How to participate

- **Asking questions:**

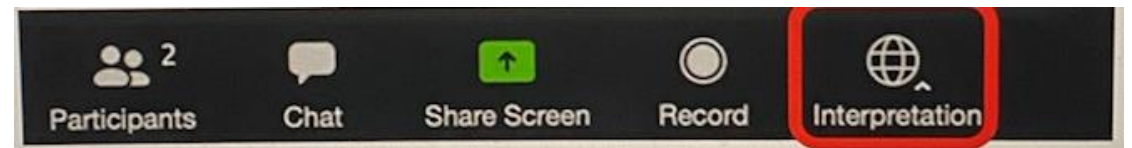
- During the discussion portion of the meeting, use the ‘raise hand’ function. A staff member will unmute you when you are called on to speak, or
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- **Interpretation is available**

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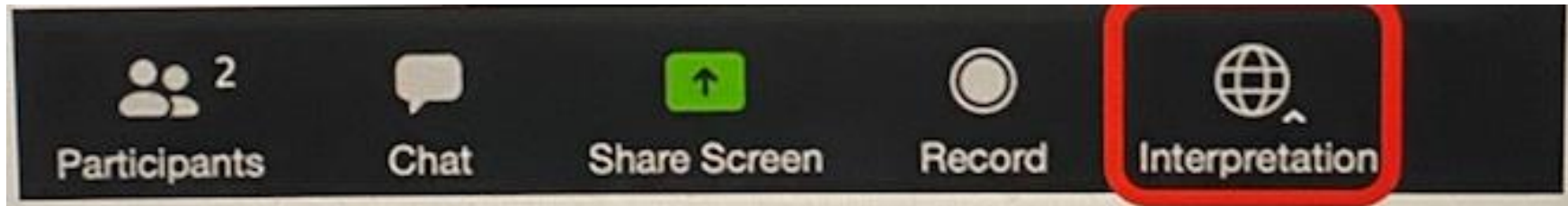
Chinese Interpretation



本次會議的同聲傳譯將以以下語言進行:

中文 - 在中國選項下

請按一下工具列上的「解釋」圖示以存取所需的語言



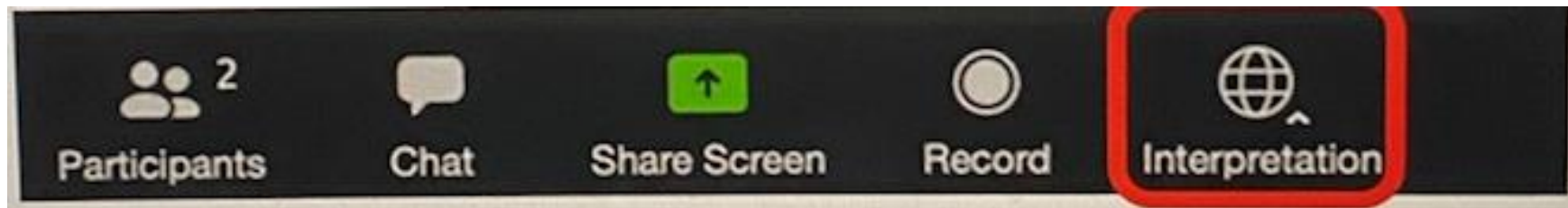
Spanish Interpretation



La interpretación en simultáneo para esta reunión se dará en los siguientes idiomas:

Español - bajo la opción Español

Por favor haz clic en el icono **INTERPRETATION** en tu barra de herramientas para acceder al idioma deseado



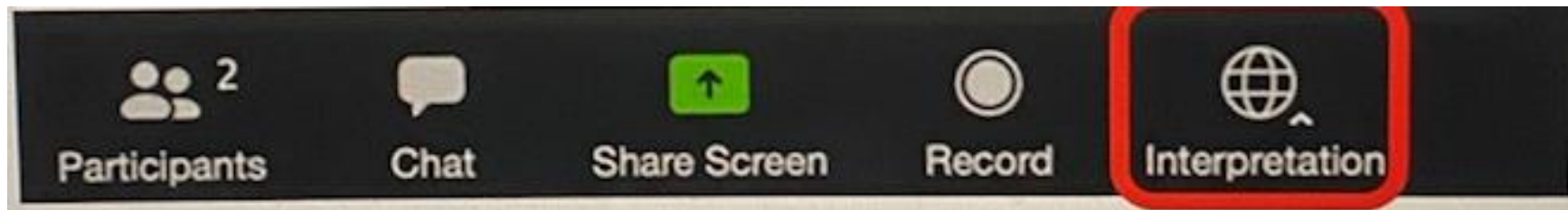
Vietnamese Interpretation



Việc giải thích đồng thời cho cuộc họp này sẽ được đưa ra bằng các ngôn ngữ sau:

Tiếng Việt - theo tùy chọn tiếng Việt

Vui lòng nhấp vào biểu tượng PHIÊN DỊCH trên thanh công cụ của bạn để truy cập ngôn ngữ mong muốn



Introductions



Martina Davis
Division Manager



Aparna Ankola
Supervising Planner



Rina Horie
City Planner



Susan Ambrosini
Project Director



Chandra Miller
Architectural Historian



Laura Adleman
Outreach Lead



Scott Williamson
Project Manager

Agenda

1. Project team introductions **(5 mins)**
2. We'll run through a presentation for context of Senate Bill 9, the project and the timeline **(30 mins)**
3. We'd like to hear your feedback and answer any questions:
 - You may ask questions verbally by raising your hand, or;
 - You may ask questions using the Q&A function



Meeting Poll



What familiarity do you currently have with Senate Bill 9 (SB 9)?

- A. I haven't heard of SB 9
- B. Some knowledge of SB 9
- C. I am very familiar with SB 9
- D. I know SB 9 in a professional capacity (planner / developer / architect)

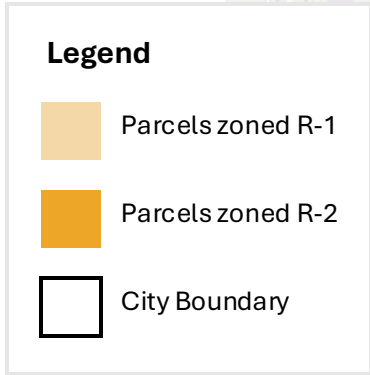
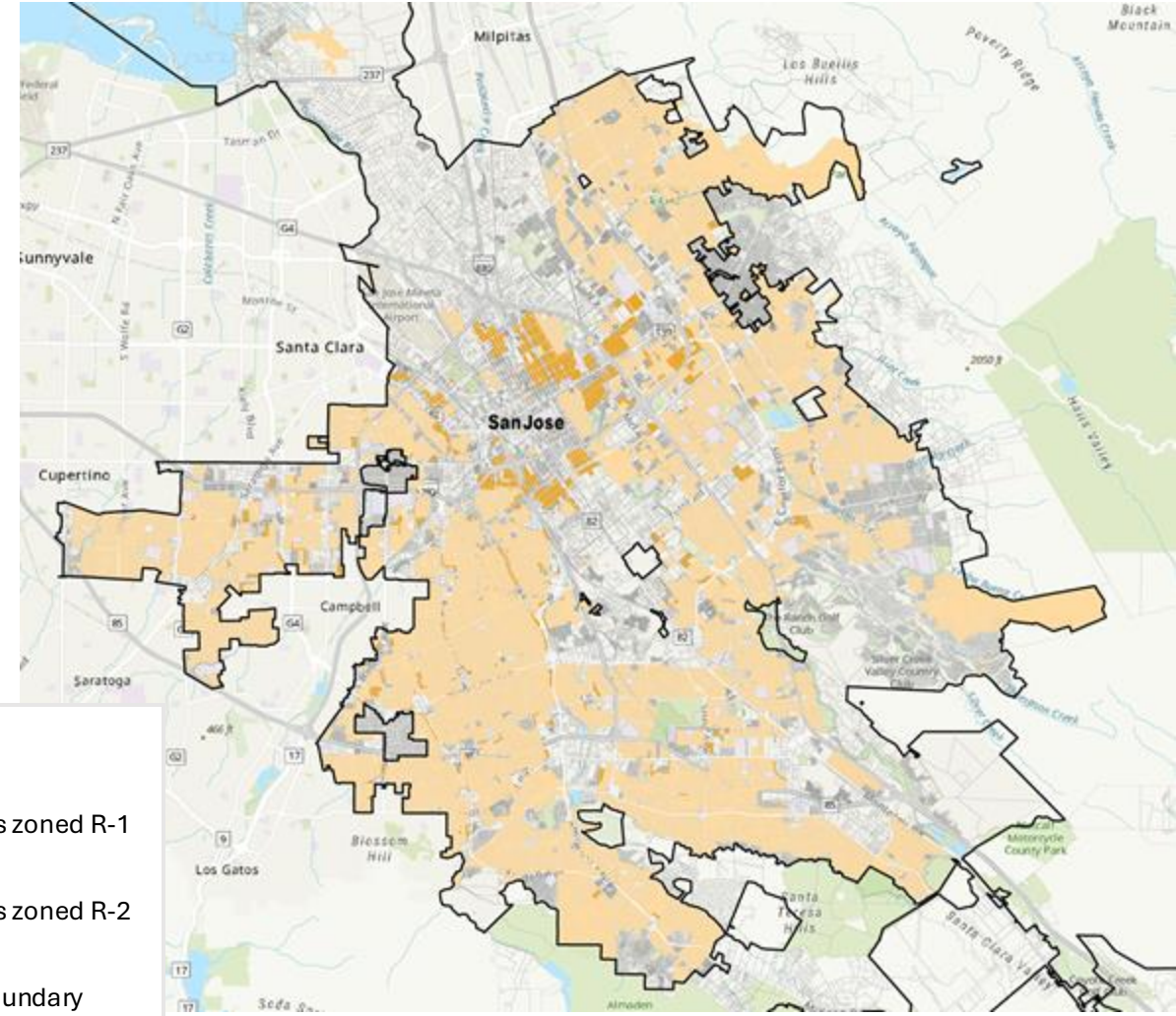
Project Introduction



Why are we here?

San Jose's City Council have asked staff to:

1. Explore how SB 9 development can contribute to the City's housing obligations, while retaining neighborhood character, in R-1 and R-2 zones
2. **Create objective development standards** – development rules that are clear and measurable - for certainty to neighbors and developers
3. Engage with the community to share information and obtain input



SB 9 Overview

As part of the Housing Opportunity and More Efficiency (HOME) Act, SB 9 was signed into law by Governor Newsom in 2021.

What is SB 9?

A State Senate Bill that requires the City to approve certain housing projects in low density zones. The Bill is aimed at encouraging infill housing.



SB 9 Overview

What is permitted under SB 9?

1. Urban lot splits/sub-divisions
2. Two-unit developments / duplexes



SB 9 Overview

What does SB 9 require of the City?

- Process qualifying applications ministerially (without discretion), streamlining the City review process
- Cities must not impose requirements on qualifying applications that prevent two x 800 square foot units
- Cities must not require parking for sites:
 - within a half mile of transit, or
 - within a block of a car share vehicle



SB 9 Scenarios

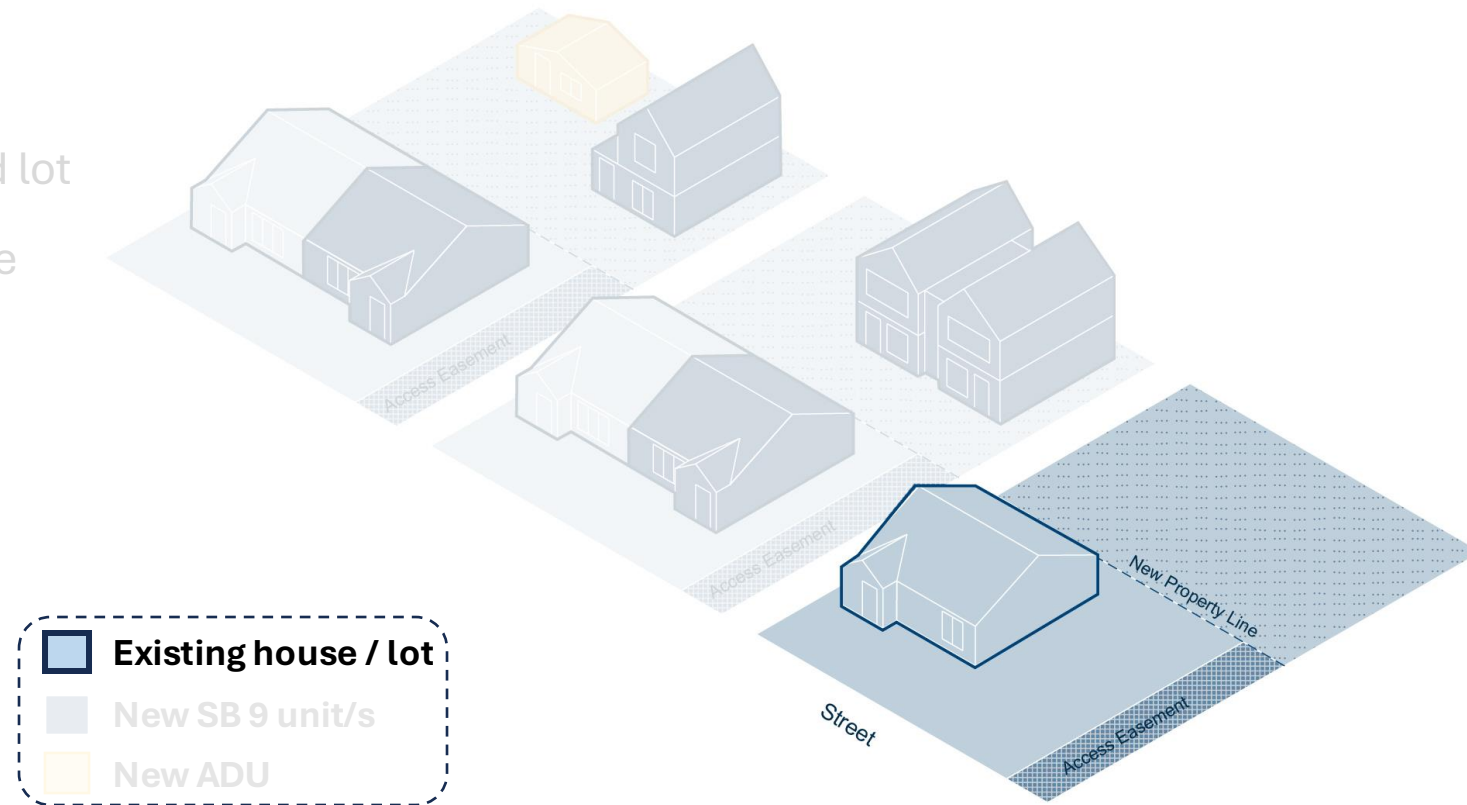


SB 9 Scenarios

What is permitted under SB 9?

- Urban lot splits/sub-divisions:
 - Subdividing a lot
- Two-unit developments:
 - Creation of a duplex, or two primary dwelling units, on a single-family zoned lot
 - Using the ADU ordinance, ADUs may be added for a maximum of four dwellings

Existing lot and existing dwelling + subdivision

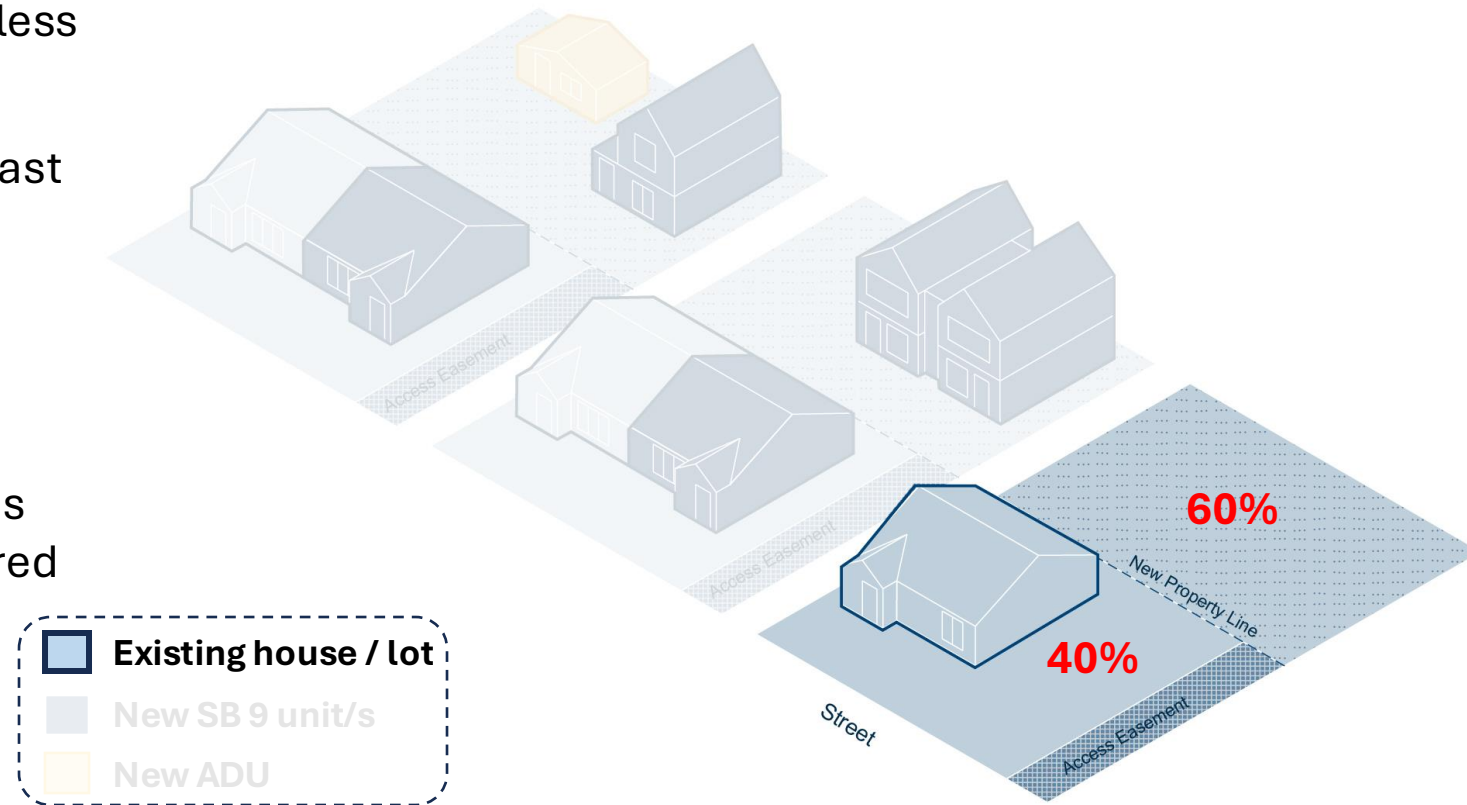


SB 9 Scenarios

Lot-split requirements:

- One lot may be no less than **40%** of the size of the original lot
- No lot may be less than 1,200 square feet unless the City adopts a lower lot size standard
- An owner must live on one of the lots for at least three years (for lot splits)
- Access and utility requirements:
 - An access corridor may be required to connect a lot to the public right-of-way
 - Easements may be required for services
 - Right-of-way dedications may be required

Existing lot and existing dwelling + subdivision

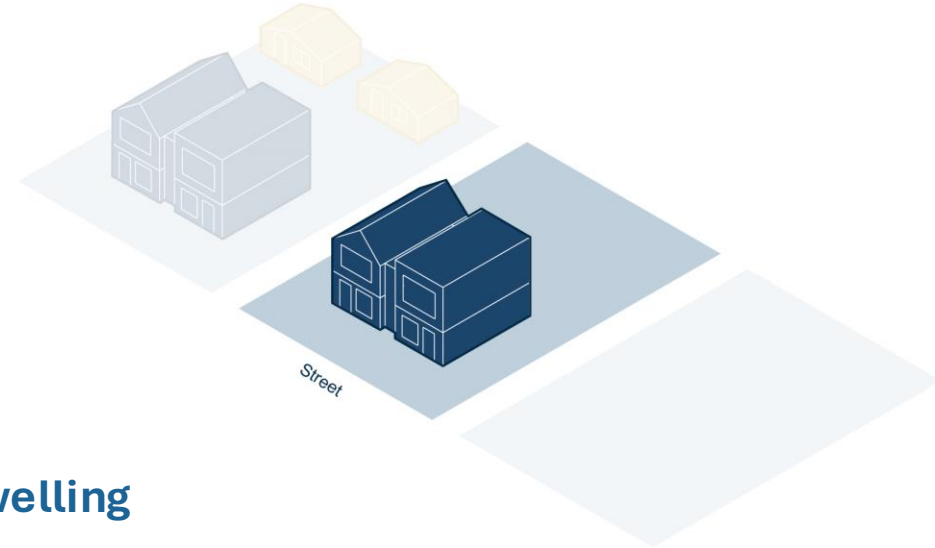


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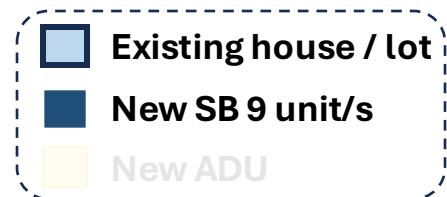
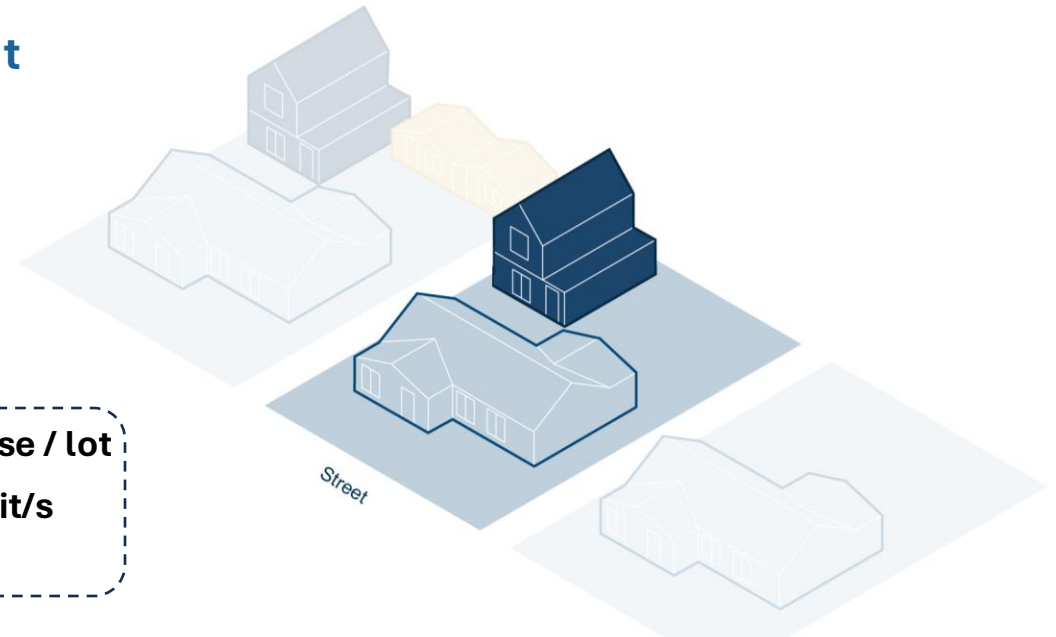
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New duplex on a vacant site



Existing dwelling + new SB 9 dwelling unit

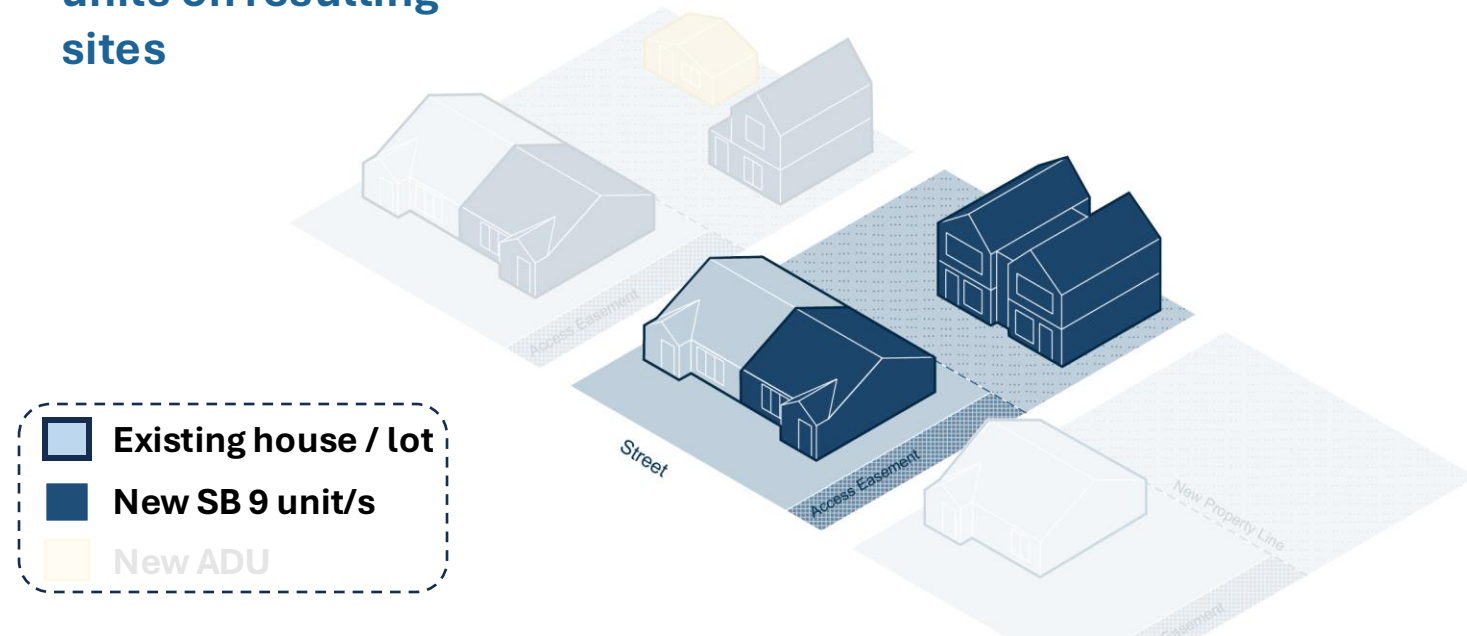


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Subdivision + two units on resulting sites

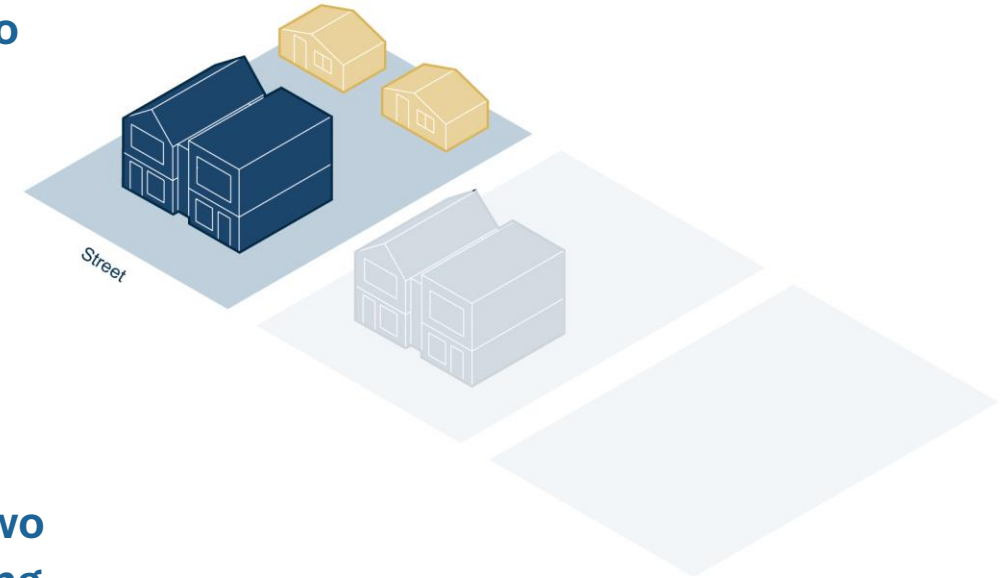


SB 9 Scenarios

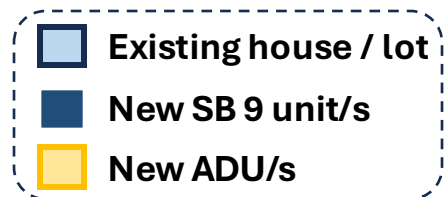
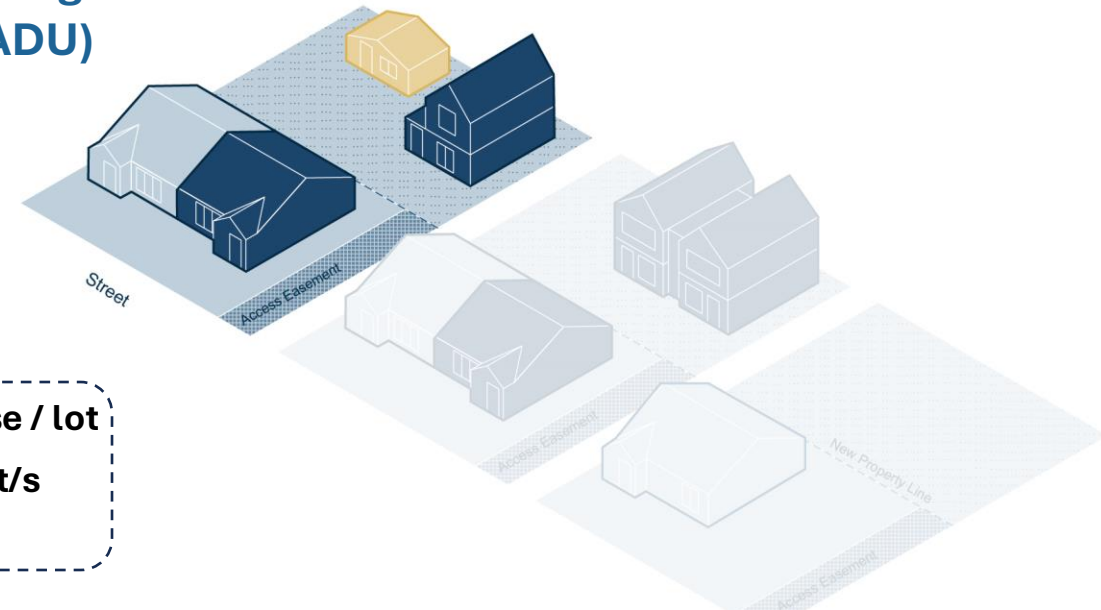
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New duplex on a vacant site + two detached ADUs



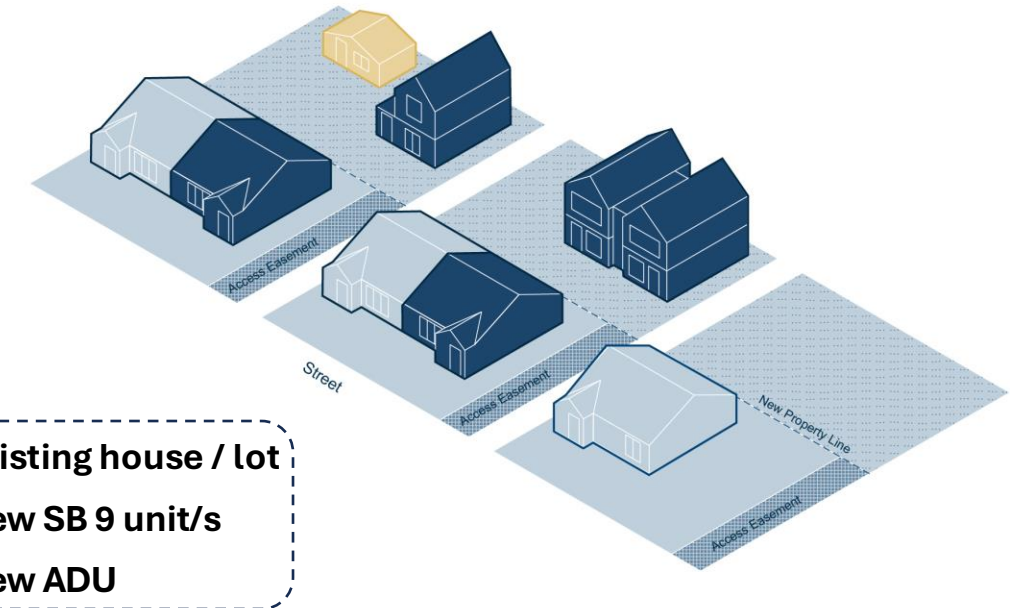
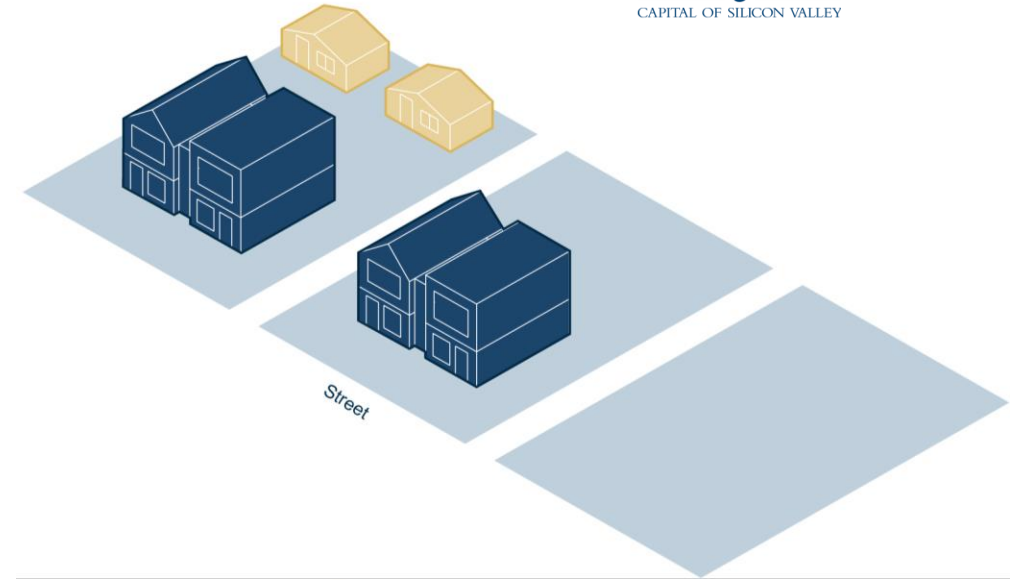
Subdivision + two units on resulting sites (SB9 or ADU)



SB 9 Scenarios

What is not permitted under SB 9?

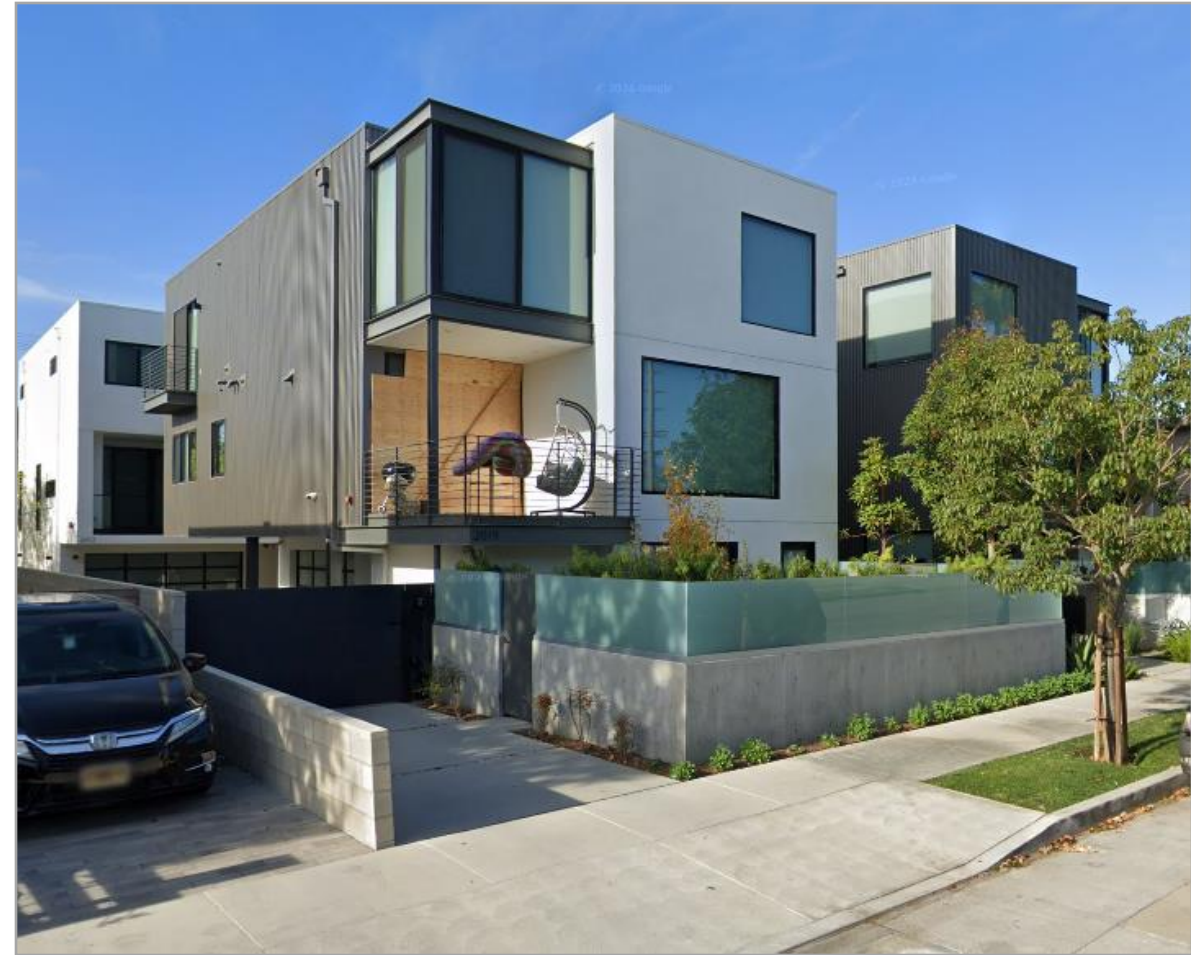
- Cannot alter or demolish the following;
 - Deed-restricted affordable housing
 - Rent-controlled housing
 - Housing on parcels with an Ellis Act Eviction
 - Housing occupied by a tenant currently or in the last 3 years
- Units created by SB 9 cannot be used for short-term rentals (less than 30 days)
- A lot cannot be subdivided if adjacent to another lot that has been subdivided by the same landowner
- A lot cannot be further subdivided if the lot was created by a previous SB 9 subdivision.



SB 9 Scenarios

Certain factors disqualify R-1 sites from SB 9, including:

- Protected farmlands
- Wetlands
- Very high fire hazard severity zones
- Hazardous waste sites
- Special flood hazard areas or regulatory floodways
- Lands protected for conservation
- Habitat for protected species
- Sites within a historic district, on the State Historic Resources Inventory, or a site designated a City or County landmark.



**What would
an SB 9
project look
like?**



What Could An SB 9 Project Look Like?

- **SB 9 development in Los Angeles, CA:**
 - **Status:** Complete
 - **Site area:** 7,475.9 square feet

- **Project:**
 1. Retain existing single-family dwelling
 2. Construct a two-story second dwelling (SB 9)
 3. Construct two ADUs (ADU Ordinance)
 - **Total four dwellings**



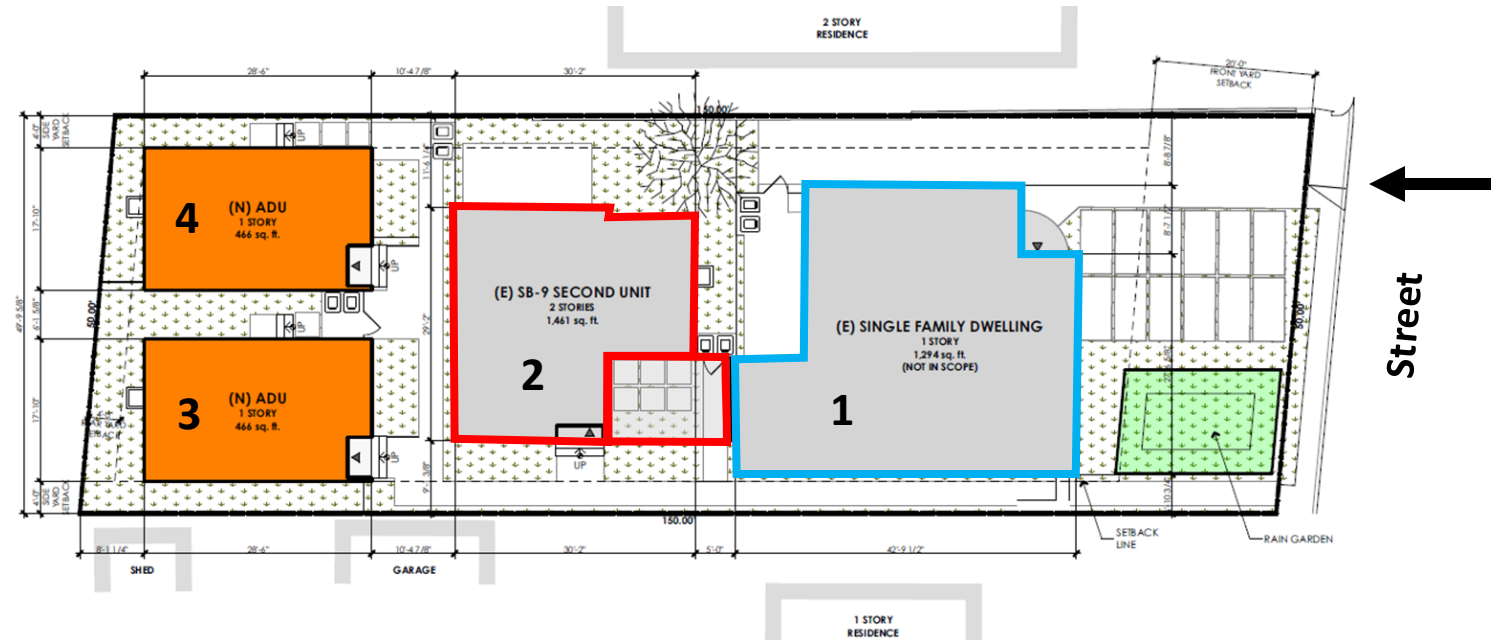
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2. Construct a two-story second dwelling (SB 9) – **red outline**
3. Construct two ADUs (ADU Ordinance) – **orange**
 - **Total four dwellings**



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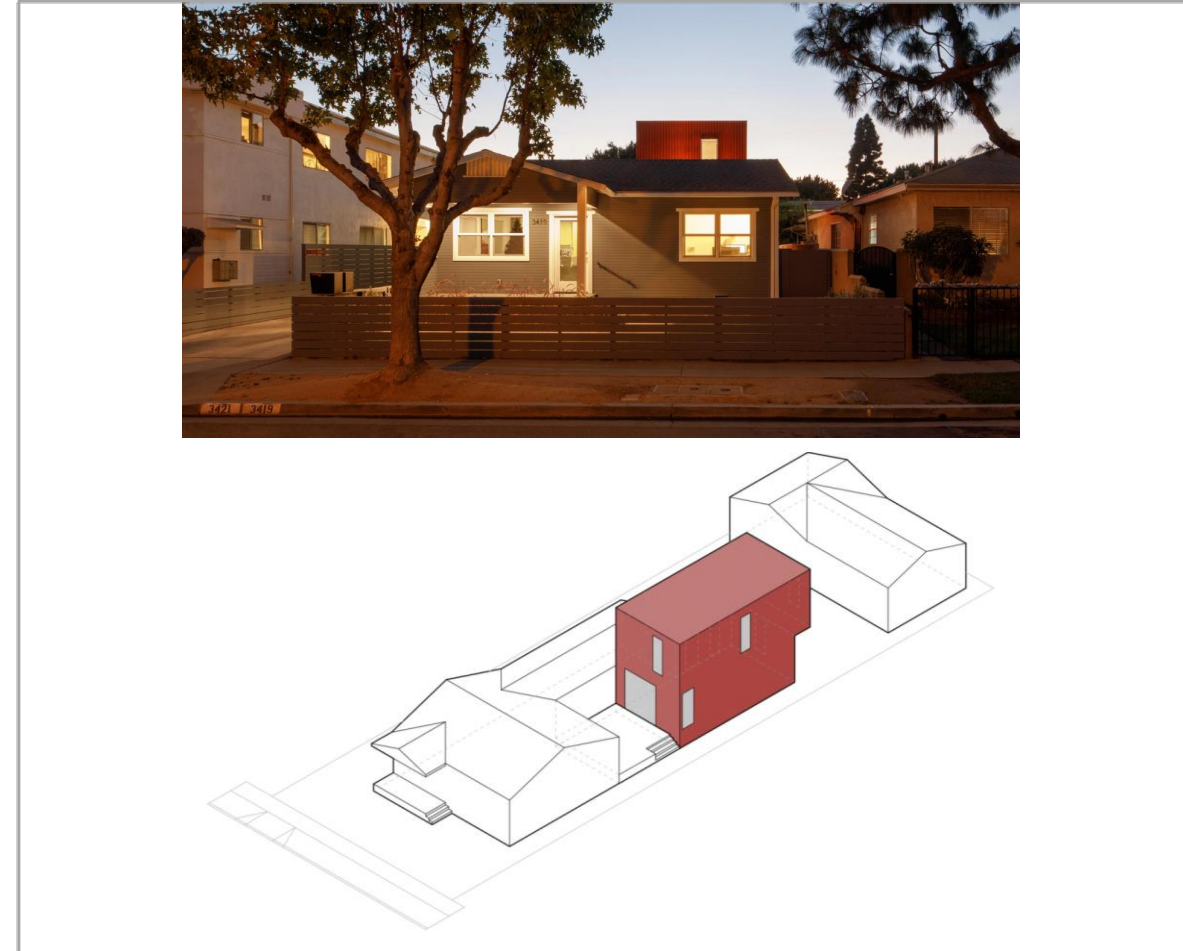
San Jose's SB 9 Project



City of San Jose's SB 9 Goals

The City of San Jose is seeking to:

- Conform with State law and provide standards that are verifiable and measurable
- Implement the 2040 General Plan policies and update current regulations to create objective standards that reflect the City's vision
- Consistently apply standards for infill projects permitted through SB 9 (in R-1 zones) or SB 9-type projects (in R-2 zones)
- Include clear development standards, specifications, performance approaches, graphic illustrations, and representations



Source: Yu2e Architects

Prior SB 9 Activity in San Jose

SB 9 has now been in force for three years

In that time, the City of San Jose has received:

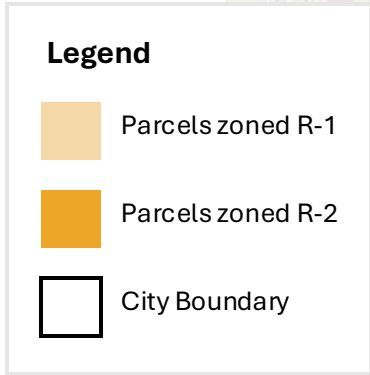
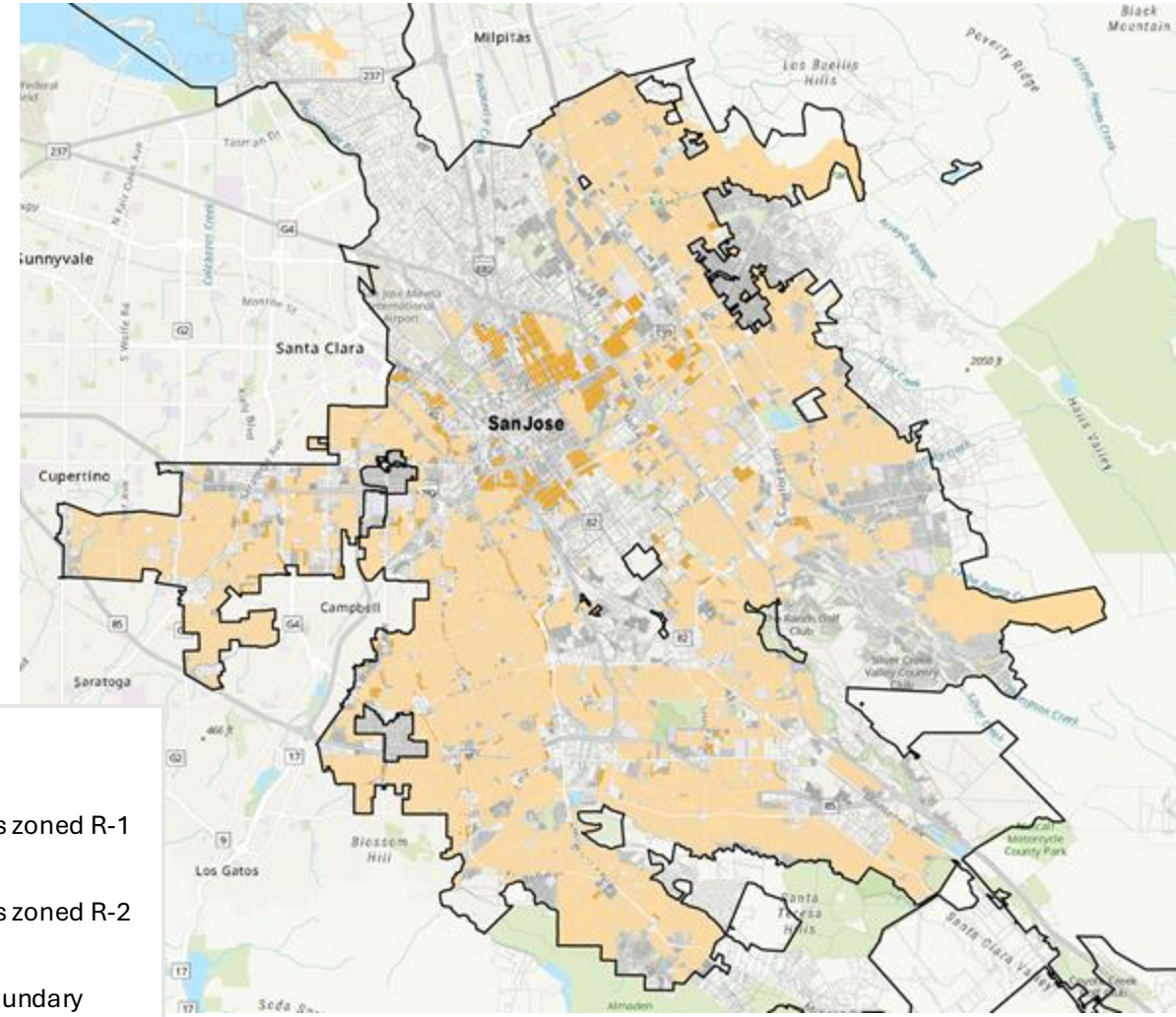
- **13 applications proposing an SB 9 duplex / second unit**
 - 3 have been approved
- **45 applications proposing an SB 9 lot split**
 - 7 have been approved



Why are we here?

San Jose's City Council have asked staff to:

1. Explore how SB 9 development can contribute to the City's housing obligations, while retaining neighborhood character
2. **Create objective development standards** – development rules that are clear and measurable - for certainty to neighbors and developers
3. Engage with the community to share information and obtain input



Application & City Council Direction

SB 9 applies to properties zoned for single-family residential use:

- In San Jose, SB 9 applies to properties within the R-1 and Planned Development (PD) zoning districts
- The City Council has directed staff to explore opportunities for SB 9-type regulations to be extended to:
 - R-2 zones
 - Historic Districts & Resources



Source: Archives & Architecture, Historic District Study – Lake House Neighborhood, prepared for the City of San Jose, April 28, 2006

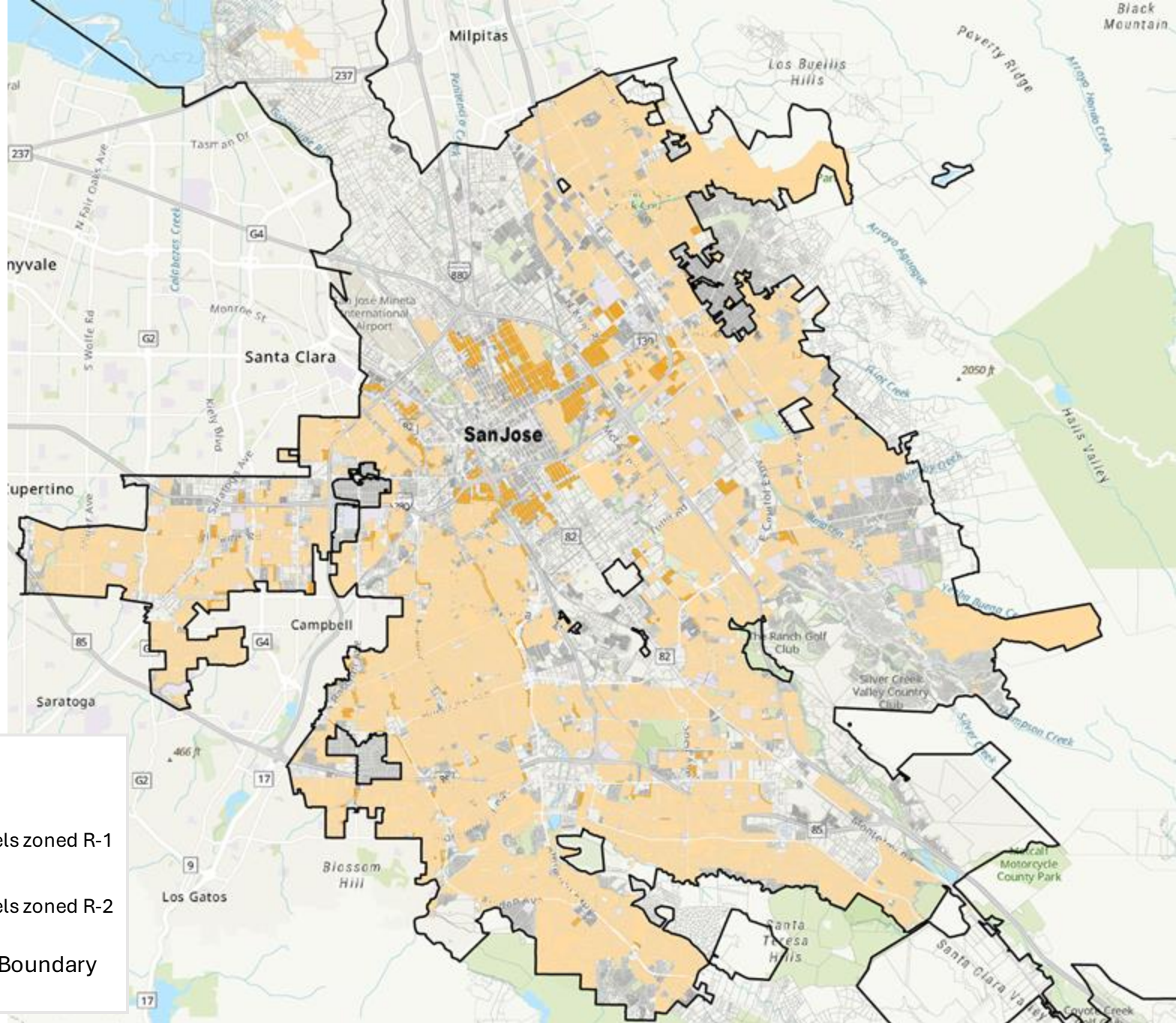
City Council Direction: *December 2021*

The City Council directed Staff to:

1. Investigate SB 9-type standards for properties in historic districts and on the city's historic inventory, with the following exceptions:
 - a. Explicitly disallow demolition of any contributing building or “individually significant” structure (25% demo of exterior walls allowed by SB 9).
 - b. If a single structure in a historic district is split into two or more units, require that applicants follow the city's “Your Old House” historic design standards for historic structures and ensure that both exterior and interior changes will minimally impact the existing exterior structure (e.g., windows, doors, additions, and massing).
2. Ensure that implementation of SB 9 for specific R-2 zoned properties with a structure built before 1950 moves forward once a clear, discretionary historic review process is in place.

San Jose's R-1 & R-2 Site Inventory

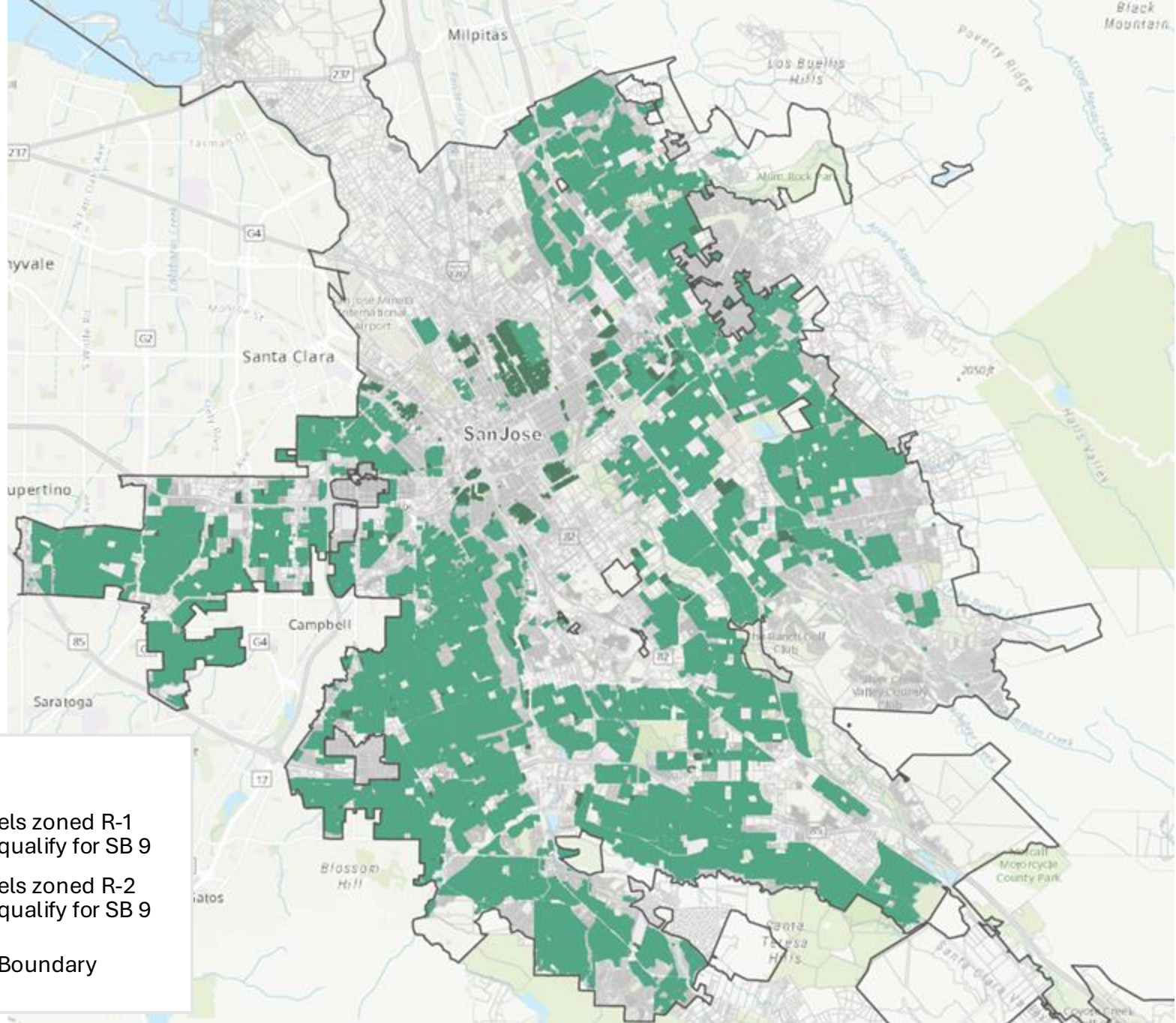
- A total of **151,420** parcels exist in the City with either R-1 or R-2 zoning designations:
 - R-1: 143,440 parcels
 - R-2: 7,980 parcels






R-1 & R-2 Eligibility for SB 9 Development

– When SB 9 exclusions have been applied, it is likely that 133,678 parcels likely qualify for SB 9:

- ❑ R-1: 127,955 parcels (89.2% of all R-1 zones parcels), likely qualify for SB 9
- ❑ R-2: 5,723 parcels (71% of all R-2 zones parcels), likely qualify for SB 9

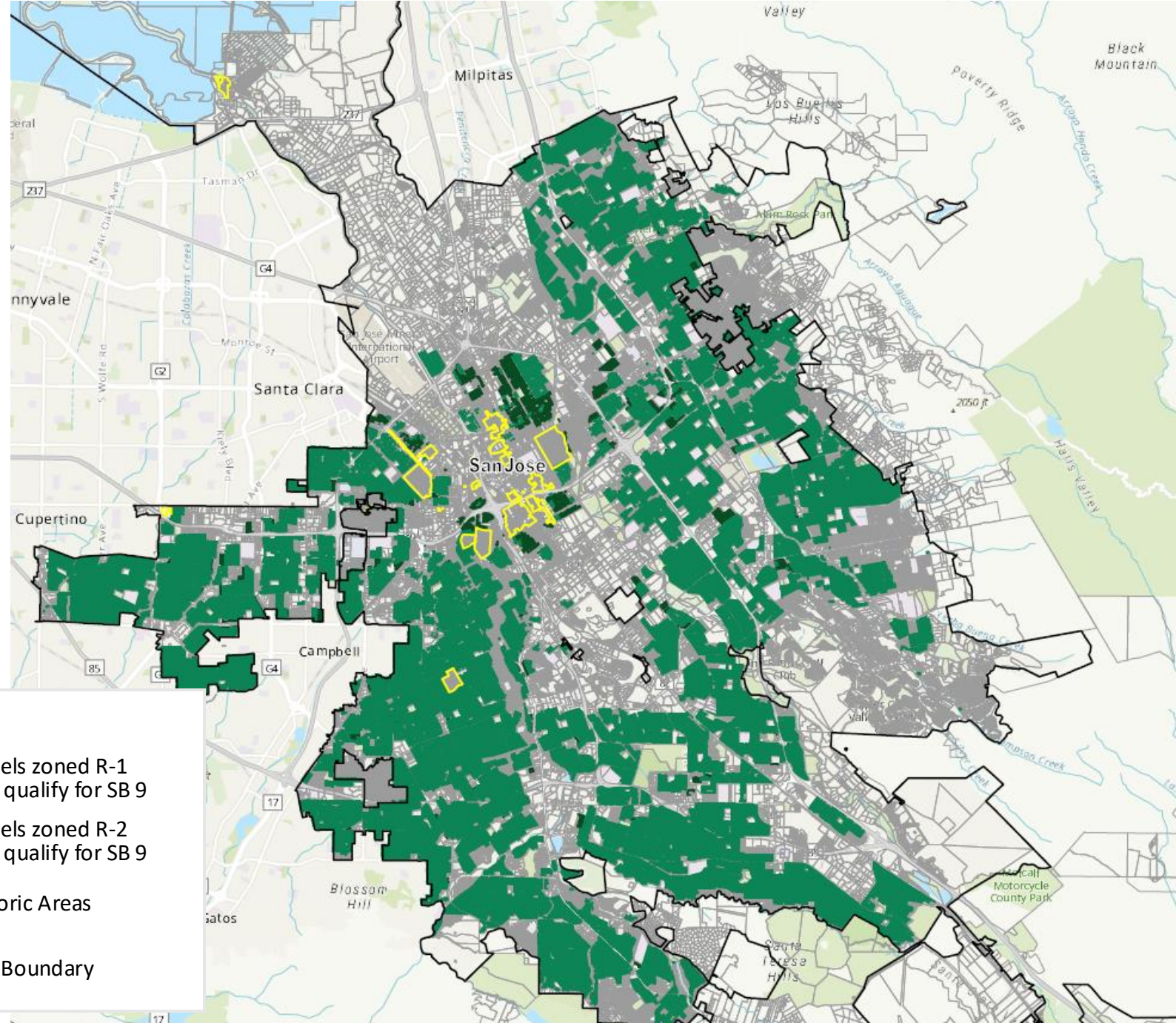


Legend

-  Parcels zoned R-1 that qualify for SB 9
-  Parcels zoned R-2 that qualify for SB 9
-  City Boundary

Historic Districts

- There are 20 historic districts in the City - most are located around downtown
- 2307 parcels zoned R-1 or R-2 are in a historic district:
 - R-1: 1,949 sites/ 143,440 total
 - R-2: 358 sites / 7,980 total



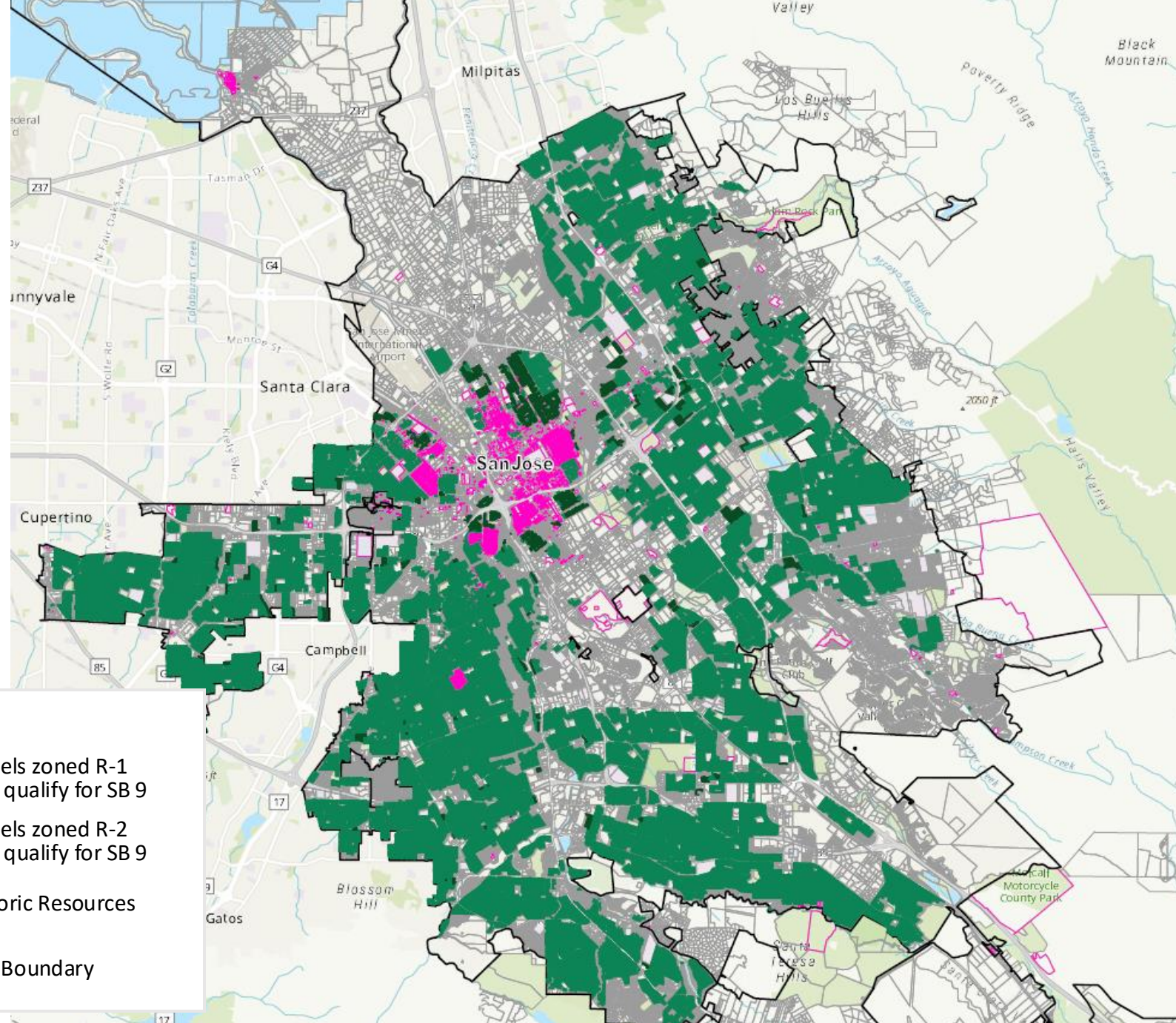
Legend

- Parcels zoned R-1 that qualify for SB 9
- Parcels zoned R-2 that qualify for SB 9
- Historic Areas
- City Boundary



Historic Resources

- **4,630 sites Citywide** are identified as historic resources:
 - Many are also located in historic districts
- **2,567 parcels** are zoned for R-1 and R-2 have historic resource status:
 - R-1: 2,114 sites / 143,440 total
 - R-2: 453 sites / 7,980 total



Legend

- Parcels zoned R-1 that qualify for SB 9
- Parcels zoned R-2 that qualify for SB 9
- Historic Resources
- City Boundary



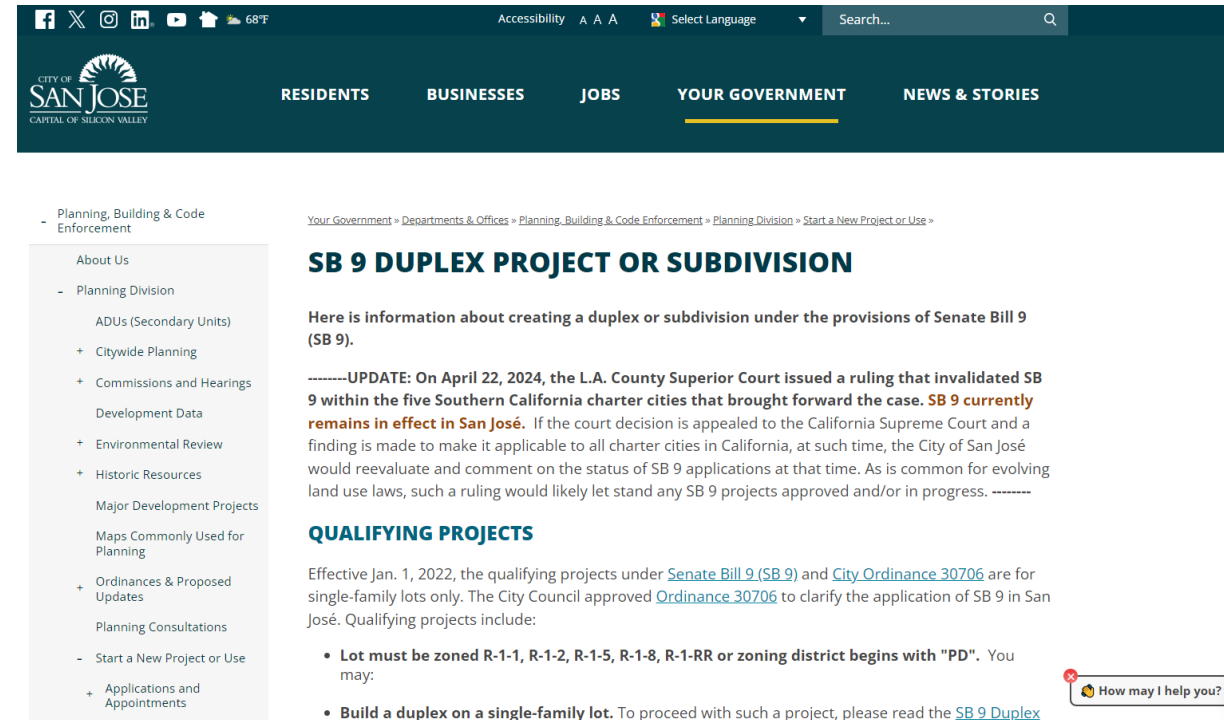
Existing City of San Jose Regulations



Existing City Regulations

San Jose Zoning Ordinance [Section 20.30.800]:

- The City created an SB 9 Ordinance in 2022, with key standards identified:
 - Urban Lot Split Standards that address access, parcel arrangement, frontages
 - Dwelling Unit Standards that address height, cumulative floor area, frontages
 - Where not addressed by standards or SB 9, the Ordinance directs applicants to existing or two-family dwelling standards



The screenshot shows the City of San Jose website navigation and content for the SB 9 Duplex Project or Subdivision page. The top navigation bar includes social media icons, accessibility options, a language selector, and a search bar. The main navigation menu lists RESIDENTS, BUSINESSES, JOBS, YOUR GOVERNMENT (highlighted), and NEWS & STORIES. A left sidebar menu shows the current page path: Planning, Building & Code Enforcement > Planning Division > Start a New Project or Use. The main content area features the title "SB 9 DUPLEX PROJECT OR SUBDIVISION" and a sub-header "Here is information about creating a duplex or subdivision under the provisions of Senate Bill 9 (SB 9)." An update notice states: "UPDATE: On April 22, 2024, the L.A. County Superior Court issued a ruling that invalidated SB 9 within the five Southern California charter cities that brought forward the case. SB 9 currently remains in effect in San José." A section titled "QUALIFYING PROJECTS" lists two requirements: 1) Lot must be zoned R-1-1, R-1-2, R-1-5, R-1-8, R-1-RR or zoning district begins with "PD". 2) Build a duplex on a single-family lot. A chatbot icon in the bottom right corner asks "How may I help you?"

Existing City Regulations

SB 9 Implementation - Development Standards

Lot Frontage – Access Corridor

Less than 55 ft of proposed frontage	Each lot shall have 30 ft of frontage on a public right-of-way, with an average width of 30 ft
Less than 30 ft of proposed frontage	One of the lots shall be provided access by a 12 to 15 ft wide corridor on a public street
No direct frontage to a public right-of-way	Direct access through an easement for ingress and egress and emergency access shall be provided by a 12-15 ft wide easement

Front Setback

Lots accessed by a corridor of 12 to 15 ft	Entire length of the 12 to 15 ft wide access corridor
Lots accessed by an easement	Entire length of the easement

Building Height

Maximum building height	30 ft, 2 stories
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Project Timeline



Outreach Timeline



We're Here

Q & A / Discussion



How to participate

- **Asking questions:**

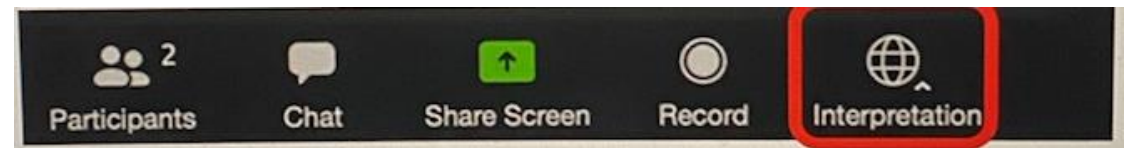
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Public Comment Guidelines

Code of Conduct

- Please limit your comments to 2 minutes, so we can give everyone a chance to speak
- Please comment on the specific agenda item topic only
- Abusive language is inappropriate.
- Repeated failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting.

Q & A / Discussion



Questions on presentation content?

1. Use the 'Raise your hand' function in Zoom
2. Use the Q & A box

Discussion

1. **Have you or any of your neighbors considered applying for an SB 9 project?**
2. **What considerations should we keep in mind while creating SB 9 standards?**
3. **Would you have specific concerns about SB 9 development occurring in your neighborhood?**

Further questions or comments?



AECOM

City | Aparna.Ankola@sanjoseca.gov

AECOM | Scott.Williamson@aecom.com

Thank you!



AECOM