



City of San Jose

SB9 Objective Design Standards

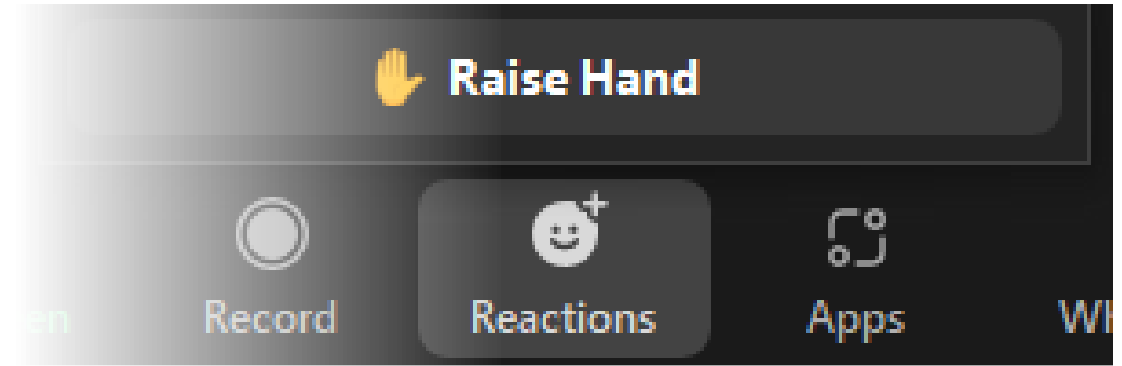
Stakeholder Focus Group

June 2024



How to participate

- Please mute when you are not speaking
- Use the 'Raise Hand' icon
 - (If you're joining by phone, press *9 to raise your hand)
- Please allow others to speak also
- We will record this meeting to help us take notes and capture your input



Introductions



Martina Davis
Division Manager



Aparna Ankola
Supervising Planner



Rina Horie
City Planner



Susan Ambrosini
Project Director



Scott Williamson
Project Manager



Laura Adleman
Outreach Lead

Agenda & Meeting Goals

1. Introductions (5 mins)
2. We'll run through a presentation to introduce the project (15 mins)
 - City project goals and overview
 - Senate Bill 9 (SB9) overview
 - Existing San Jose SB9 regulations overview
 - Project timeline and how you can continue to be involved
3. We'd like to hear about your experience with SB9 (40 mins)



Project Introduction



The City's SB9 Goals

The City is seeking to:

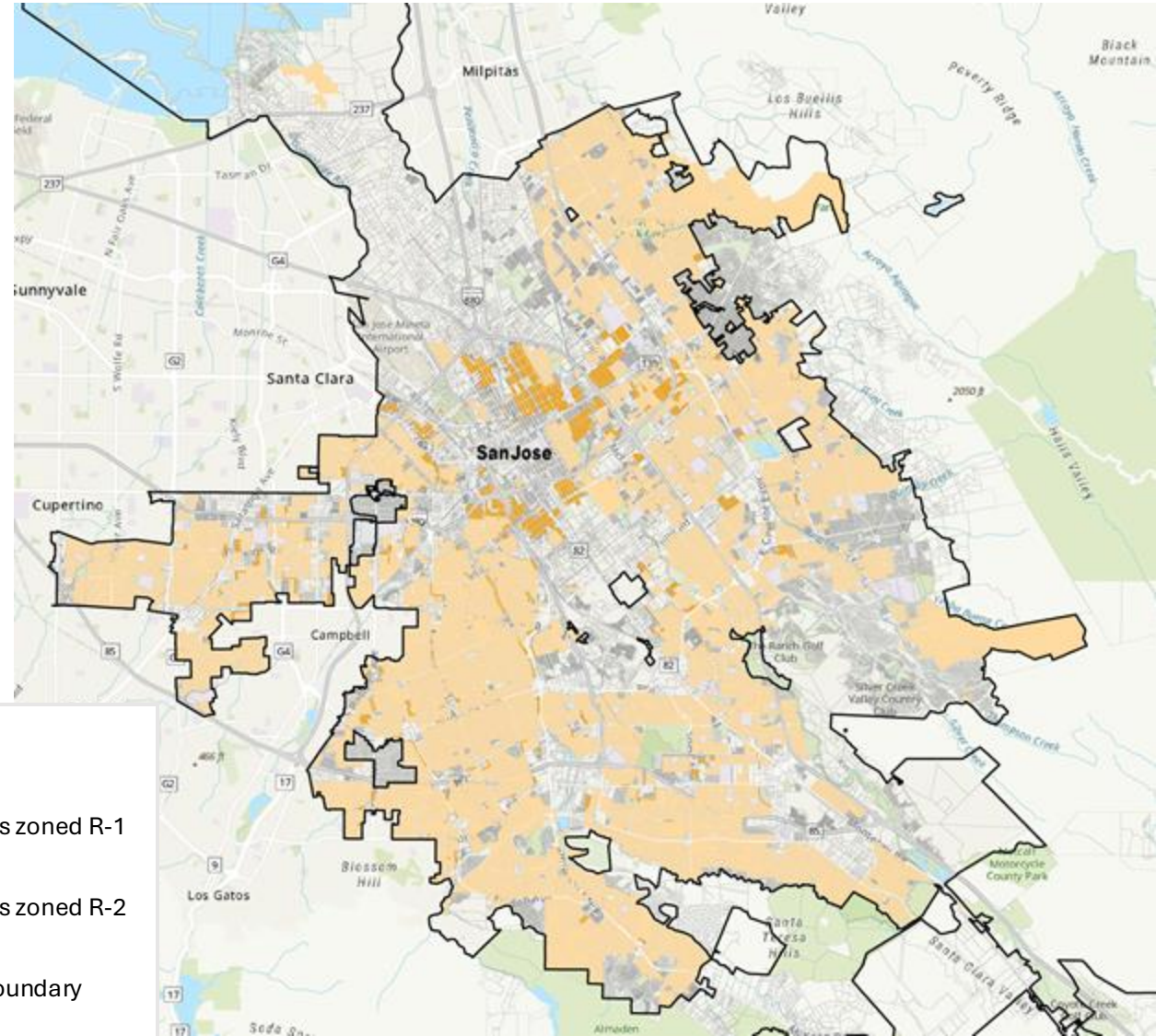
- Conform with State law and provide standards that are verifiable and measurable.
- Implement the 2040 General Plan policies and update current regulations to create objective standards that reflect the City's vision.
- Consistently apply standards for infill projects permitted through SB9 (in R-1 zones) or SB9-type projects (in R-2 zones).
- Include clear development standards, specifications, performance approaches, graphic illustrations, and representations.



San Jose's SB9 Objective Design Standards Project

The project involves:

1. Conducting preliminary analysis including mapping and best practice reviews, to establish baseline data,
2. Preparing for and engaging with the community to share information and get input,
3. Creating objective SB9 standards for use in R-1 zones, and
4. Creating objective SB9-type standards for use in R-2 zones, with historic district considerations.



SB9 Background

A focus of the California Legislature has been adding infill housing opportunities:

- SB9 was signed into law by Governor Newsom in 2021, as part of the Housing Opportunity and More Efficiency (HOME) Act and:
 - Makes it easier for R-1 homeowners to create a duplex or subdivide an existing lot,
 - Requires cities to approve developments that meet SB9 prerequisites,
 - Was written to apply to all cities and charter cities in California, and
 - Allows cities to impose objective standards.



SB9 Application

SB9 applies to properties zoned for single-family residential use

- In San Jose, SB9 applies to properties within the R-1 and Planned Development (PD) zoning districts
- The City Council has also asked staff to explore opportunities for SB9-type regulations to be extended to:
 - R-2 zones
 - Historic districts



Circa 1892, building character, 116 years old. Archives & Architecture, Historic District Study – Lake House Neighborhood, prepared for the City of San Jose, April 28, 2006

SB9 Exclusions

Certain factors disqualify R-1 sites from SB9, 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 or on a site that is designated as historic

Note: SB9 only applies to R-1 zones. If the City adopts SB9-type regulations for R-2 zones, these factors would need to be implemented in the local ordinance.



What SB9 Permits

SB9 allows up to four dwellings on a single lot

- Two-unit developments:
 - Creation of a duplex (two primary dwelling units) on a single-family zoned lot
 - ADUs may be added for a maximum of four dwellings
- Urban lot splits/sub-divisions:
 - Subdividing a lot to construct a single-family or duplex on each subdivision
 - ADUs may be added for a maximum of four dwellings

Existing 10,000 square foot lot

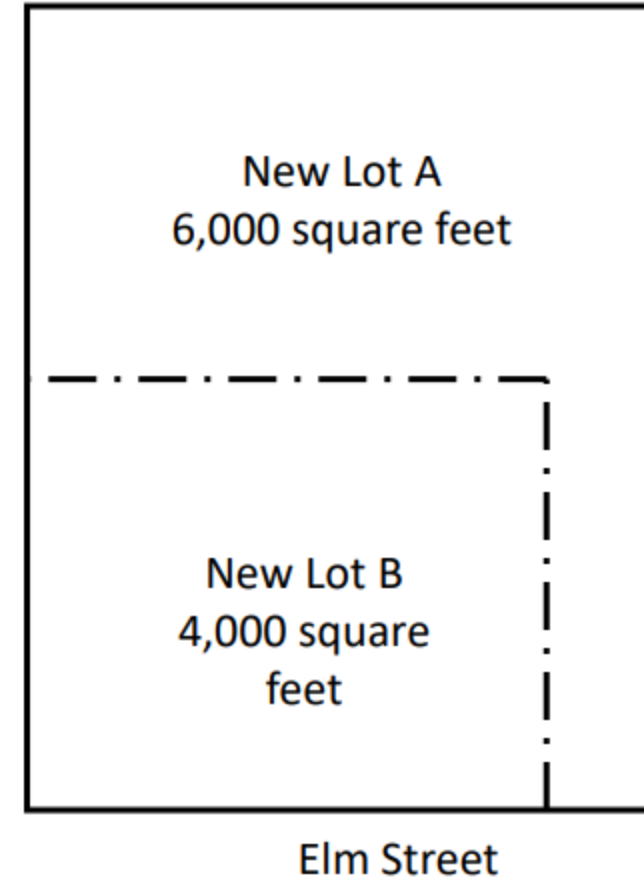


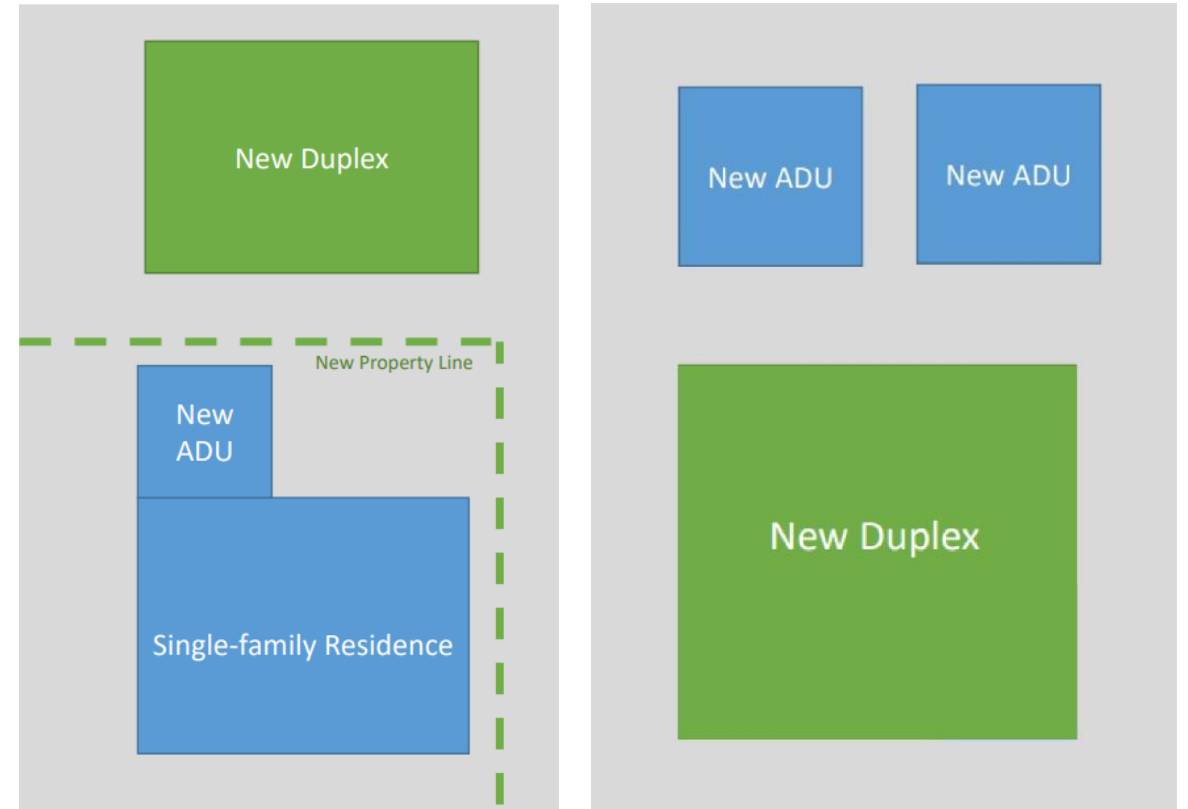
Diagram of a potential urban lot split arrangement

Source: City of San Jose City Council Presentation, October 28, 2021

SB9 Limitations

SB9 requires:

- One lot may be no less than 40% of the size of the other lot
- No lot may be less than 1,200 square feet unless the City adopts a lower lot size standard
- 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



Possible SB9 configurations with or without a lot split.
Source: City of San Jose City Council Presentation, October 28, 2021

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 SB9, the Ordinance directs applicants to existing or two-family dwelling standards

The screenshot shows the City of San Jose website. The header includes social media icons, accessibility options, a language selector, and a search bar. The main navigation menu includes RESIDENTS, BUSINESSES, JOBS, YOUR GOVERNMENT (highlighted), and NEWS & STORIES. The left sidebar contains a tree view with categories like 'About Us', 'Planning Division', 'Citywide Planning', 'Commissions and Hearings', 'Environmental Review', 'Historic Resources', 'Major Development Projects', 'Maps Commonly Used for Planning', 'Ordinances & Proposed Updates', 'Start a New Project or Use', and 'Applications and Appointments'. The main content area is titled 'SB 9 DUPLEX PROJECT OR SUBDIVISION' and contains the following text: 'Here is information about creating a duplex or subdivision under the provisions of Senate Bill 9 (SB 9). -----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. If the court decision is appealed to the California Supreme Court and a finding is made to make it applicable to all charter cities in California, at such time, the City of San José would reevaluate and comment on the status of SB 9 applications at that time. As is common for evolving land use laws, such a ruling would likely let stand any SB 9 projects approved and/or in progress. -----' Below this is a section titled 'QUALIFYING PROJECTS' with the text: 'Effective Jan. 1, 2022, the qualifying projects under Senate Bill 9 (SB 9) and City Ordinance 30706 are for single-family lots only. The City Council approved Ordinance 30706 to clarify the application of SB 9 in San José. Qualifying projects include:'. Two bullet points follow: '• 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". You may:' and '• Build a duplex on a single-family lot. To proceed with such a project, please read the SB 9 Duplex'. A small chat bubble in the bottom right corner asks 'How may I help you?'.

Existing City Regulations

SB9 Implementation - Select 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

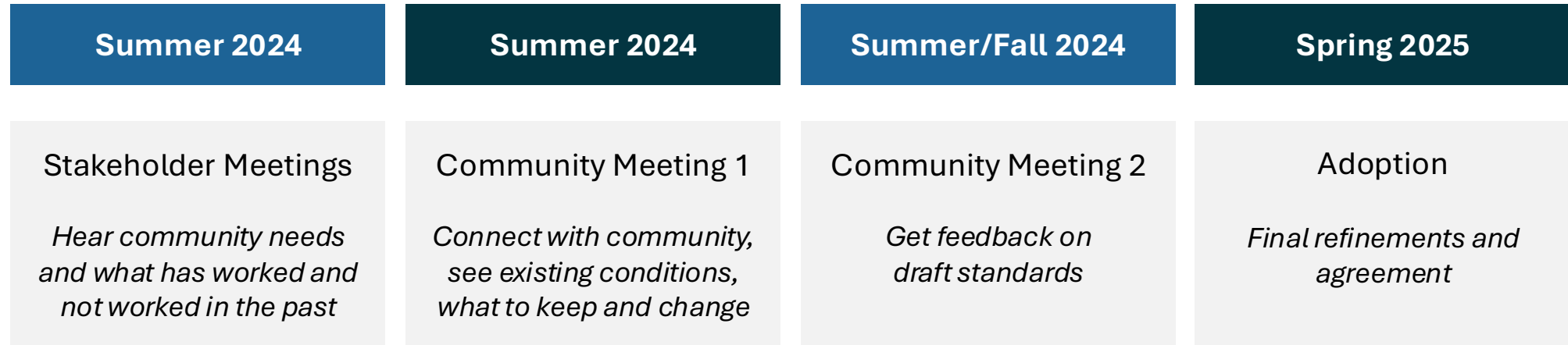
Front Setback

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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Outreach Timeline



We're Here

Pause

Any questions before we open
it up for discussion?



Discussion



Your Experience of SB9 in San Jose

- 1. What experience have you had applying the City's current SB9 standards?**
- 2. How can the City's existing development standards be simplified or made more flexible?**
- 3. Are there any design standards for SB9 developments that could be improved or are not conducive to feasible development?**
- 4. What do you think are the most important design elements to achieve a successful SB9 project?**

Your Experience of SB9 Elsewhere

- 1. Do you have any experiences with SB9 development standards in other jurisdictions that would be helpful?**
- 2. Is there anything else we should consider while developing standards?**

Thank you!

Project Contacts

City | Aparna.Ankola@sanjoseca.gov

AECOM | Scott.Williamson@aecom.com

