

Senate Bill 9 Implementation Ordinance

December 14, 2021 Item 10.5

Presenter: Martina Davis, Interim Division Manager



*Planning, Building and
Code Enforcement*

Senate Bill 9 - Overview

- Applies to properties zoned single-family
 - R-1 & Planned Development Zoning Districts
 - Exempts properties that meet certain criteria
- Allows subdivision of one lot into two “roughly proportional” lots
- Allows construction of two units on each lot
- Includes mandatory development standards
- Allows cities to adopt their own standards, with limitations
- Effective January 1, 2022



Proposed SB 9 Implementing Ordinance

Establish baseline standards for SB 9 projects that modify existing standards as little as possible

- Clarify how existing zoning standards apply to SB 9 development projects.
- Provides alternate standards for lot frontage, depth, and access where the standards contained in the Subdivision Ordinance (Title 19 of the Municipal Code) do not adequately address, or conflict with SB 9.
- Clarify SB 9 definitions and implementation measures.
- Limits SB 9 projects to no more than four units total, as provided for in SB 9.

Future work on full SB 9 ordinance and design guidelines would revisit standards established in this ordinance

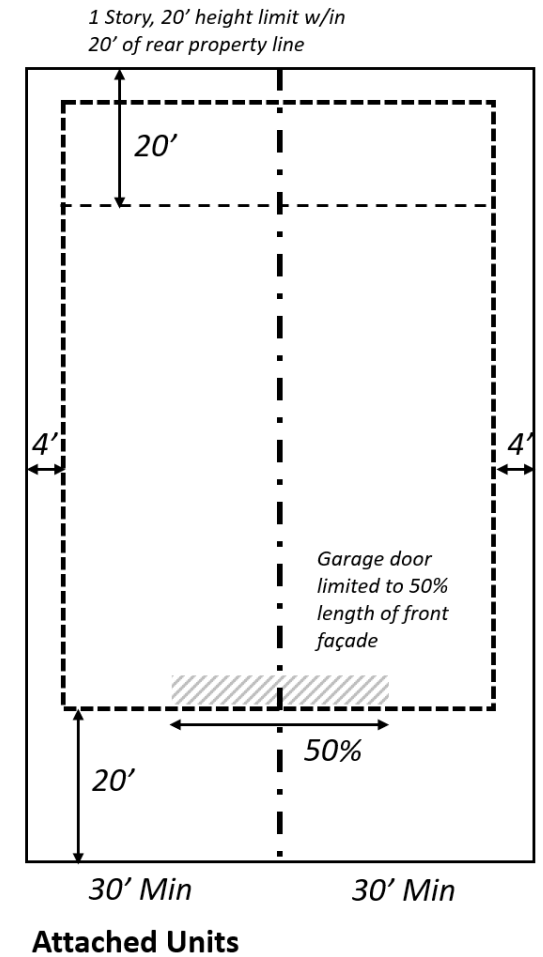
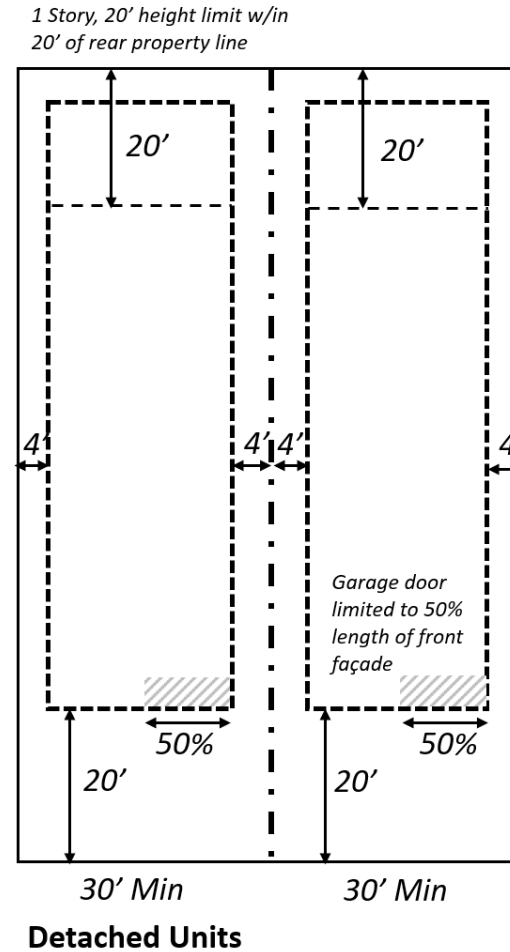
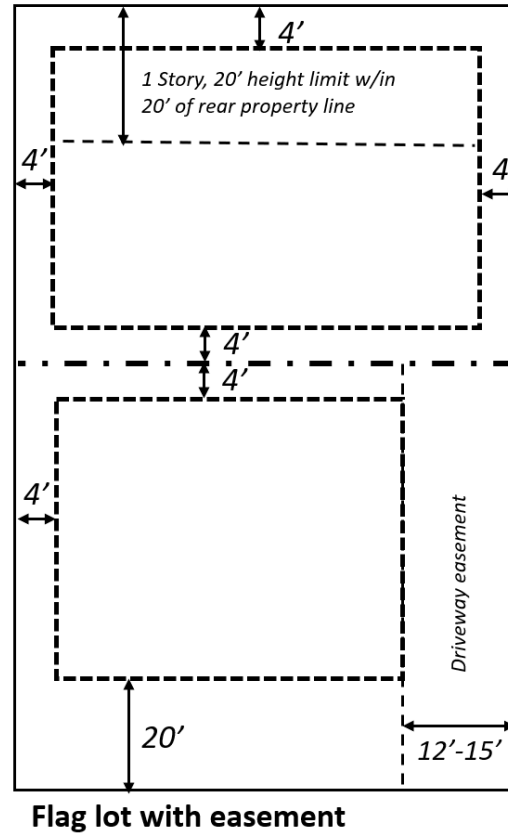
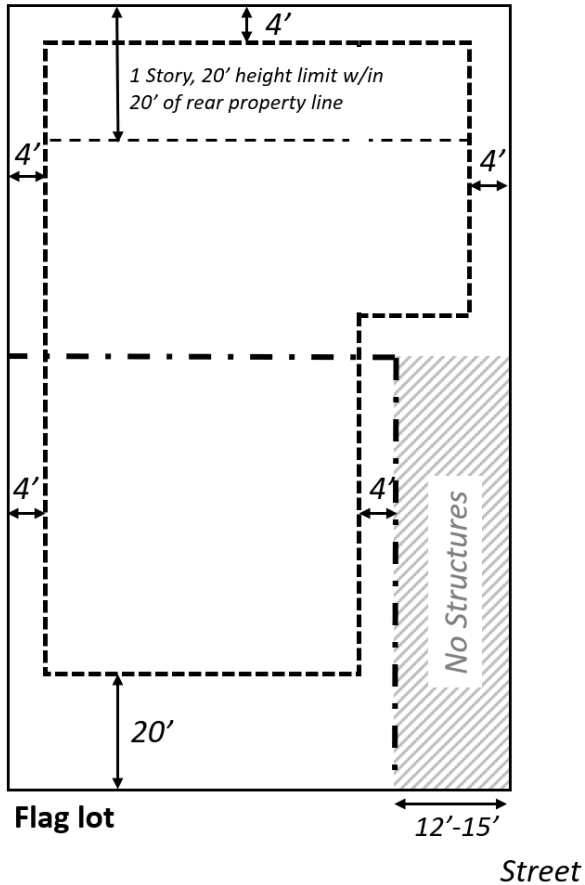
Development Standards

- Minimum Lot Size: Per SB 9
- Proposed Subdivision Types: Allow standard lot splits and flag lot subdivisions
- Number of units: Limit to no more than 4 per SB 9 project
- Floor Area Ratio: Adhere to current single-family standard of 0.45 per lot. May exceed 0.45 to allow two 800 square foot units as required by SB 9
- Setbacks: Maintain existing front setback requirement, allow 4' side and rear as required by SB 9

Development Standards (cont.)

- Height: Max 30' and two stories outside of 20' rear setback. Max 20' and one story within 20' rear setback
- Parking: 1 space per unit, or none where near transit or carshare per SB 9. Maintain requirement for garage or carport for single family residences
- Garage frontage: Proposed to limit garage to no more than 50% of the front façade
- Owner Occupancy: A dwelling must exist on the lot at time of SB 9 subdivision in order for owner occupancy attestation to be true

Proposed SB 9 Development Configurations



Next Steps

- Updating applications and informational materials
- Updating internal processes and permitting database
- Continuing to collaborate with other cities and seek guidance on implementation

Recommendation

- Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR)
- Approve an ordinance amending Title 20 of the San José Municipal Code to add provisions to implement Senate Bill 9.

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