


The seal of the City of Santa Clara, California, is circular. It features a central illustration of a mission building with a red roof and a bell tower, set against a blue sky with clouds. The text "CITY OF SANTA CLARA CALIFORNIA" is written in a circle around the top, and "THE MISSION CITY" is written around the bottom. The year "1852" is prominently displayed in the center of the seal.

City Council / Planning Commission Study Session

**Item 2 RTC 22-85
SB 9: California HOME Act**

January 25, 2022

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The City of Santa Clara logo, which includes the city seal and the text "City of Santa Clara" and "The Center of What's Possible".

Topics

- Details of the new law
- Impact on Santa Clara
- Options for local controls

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SB 9

The California H.O.M.E. Act

(The Housing Opportunity & More Efficiency Act)

Part 1: Legal Details



**City of
Santa Clara**
The Center of What's Possible

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The Center of What's Possible

Ministerial Approval of...

- 2 units per R-1 lot
 - Add a second SFR to a lot with an existing SFR
 - Build two new SFRs
 - Build new duplex



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Ministerial Approval of...

- Lot splits
 - Divisions of 50/50 to 40/60 (“approximately equal area”)
 - Both parcels ≥ 1200 sf
 - Applicant must intend to occupy a unit for 3+ years



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“Ministerial Approval” means:



- No CEQA review
- No hearings
- City cannot disapprove, unless:
 - does not meet objective criteria
 - Specific health & safety impacts

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Where SB 9 applies

All R-1 lots in urbanized areas, *except*:

- Rental units
- Historic properties
- Certain special types of land (wetlands, prime farmland, conservation easements)

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What the City *can* impose

- Easements for provision of public facilities & services
- Requirement that new parcels are connected to a public right-of-way
- Limitation on short-term rentals



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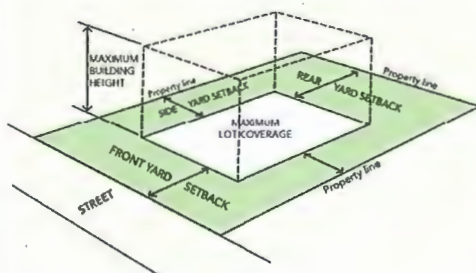
What the City *can* impose

- “Objective” zoning, subdivision & design standards*
- “Objective” means:
 - no personal or subjective judgment
 - uniformly verifiable
 - knowable by both the applicant & public official

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*Limitations on city control



- Setbacks
 - Maximum side/rear: 4 feet
 - No requirement for existing structure, or same footprint
- No correction of LNC conditions

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* Limitations on city control

- Parking
 - Site $> \frac{1}{2}$ mi from transit:
1 space per unit
 - Site $\leq \frac{1}{2}$ mi from transit:
no parking spaces



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* Limitations on city control

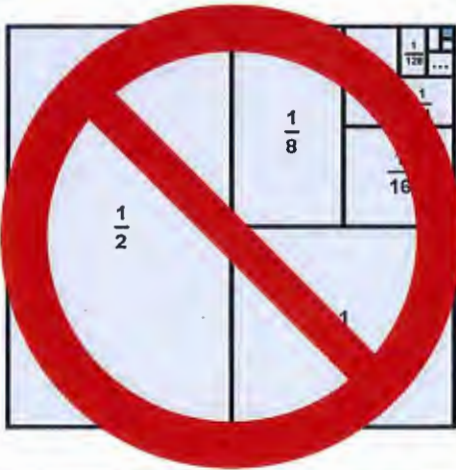
- Subdivision improvements
 - No dedications of PROW
 - No construction of offsite improvements
- Development standards must allow for construction of 2 units of 800 sf each

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How Often Can It Be Used



- Limit of *one* subdivision under SB 9.
- Any subsequent lot split would have to go through standard subdivision process

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Interplay with ADUs

- *Existing law:*
 - SFR + 1 detached ADU + 1 attached JADU = 3 du
 - MFR + 2 detached ADUs = 4+ du



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Interplay with ADUs

- *If no lot split:*
ok to build ADUs
- 2 SFRs +
1 detached ADU +
1 JADU = 4 du



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Interplay with ADUs

- *After lot split:* no ADU
allowed, if result is > 2
units on either lot
 - 1 SFR +
1 ADU
= 2 du
 - 1 SFR +
1 SFR
= 2 du
- total: 4 units

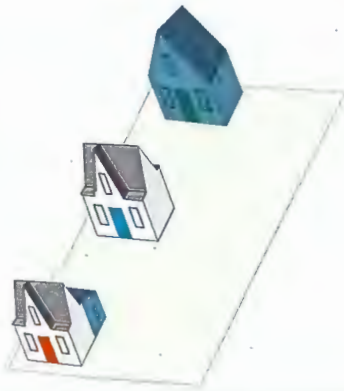


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Interplay with ADUs



SB 9's Maximum Potential:

- Prior to lot split, ok to build ADUs

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Interplay with ADUs



SB 9's Maximum Potential:

- Prior to lot split, ok to build ADUs
- After lot split, ADU laws cannot be used.

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Upcoming

- Redondo Beach lawsuit
- Initiative petition

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SB 9

The California H.O.M.E. Act

(The Housing Opportunity & More Efficiency Act)

Part 2: Impact & Options



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SB 9 Potential New Home Creation City of Santa Clara

- Approx. 18,000 single-family lots subject to SB 9
- In 2020 a total of 74 permits for ADUs filed
- SB 9 would increase number of market-feasible units on less than 4-percent of eligible single-family lots in Santa Clara (approx. 700 lots)

["Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes? Assessing the Viability of New Housing Supply Under California's Senate Bill 9". Turner Center 2021.](#)

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Key Implementation Topics

- **Parking**
- **Urban Lot Split Standards**
- **Privacy**
- **Maximum Unit Size**
- **Neighborhood Compatibility**

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Parking – SB 9 Requirement and Examples

| SB 9 | Sunnyvale & San Jose | Campbell |
|--|--|--|
| <u>Number of Spaces:</u> Max. 1 parking space per unit or no parking if parcel within ½-mile of high-quality transit corridor or major transit stop or if car share within one block. | Same as SB 9 | Same as SB 9 |
| <u>Design Standards:</u> Not defined in SB 9 | If parking required or proposed, spaces must meet current Zoning Code requirements for size, design, and placement | Meet current Zoning Code requirements for size, except uncovered spaces allowed and may encroach into required front or street-side yard setback |

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Parking – Recommendations

| SB 9 | City of Santa Clara | City of Santa Clara (Alt.) |
|--|--|---|
| <u>Number of Spaces:</u> Max. 1 parking space per unit or no parking if parcel within ½-mile of high-quality transit corridor or major transit stop or if car share within one block. | Same as SB 9 | Exempt SB 9 units from providing any parking like ADUs. |
| <u>Additional Requirements</u> | If parking required or proposed, spaces must meet current Zoning Code requirements for size, design, and placement | NA |

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Urban Lot Splits – SB 9 Requirement and Examples

| SB 9 | San Jose | Campbell |
|--|--|---|
| <u>Min. Lot Size:</u> One parcel shall not be smaller than 40% of the lot area of the original parcel and both newly created parcels are no smaller than 1,200 square feet. | Same as SB 9 | Same as SB 9 |
| <u>Min. Lot Width:</u> Not defined in SB 9 | 30-feet of street frontage and average width. Width of flag pole portion of flag lot between 12 and 15 feet. | 25-feet of street frontage and minimum width. Flag lots allowed 12-foot frontage. |

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Urban Lot Splits – Recommendations

| SB 9 | City of Santa Clara |
|--|--|
| <u>Min. Lot Size:</u> One parcel shall not be smaller than 40% of the lot area of the original parcel and both newly created parcels are no smaller than 1,200 square feet. | Same as SB 9 |
| <u>Min. Lot Width:</u> Not defined in SB 9 | Min. 24-feet of street frontage and average width. Min. 12-feet and Max. 15-feet width of flagpole portion of flag lot. (note: 24-feet is 40% of a typical 60 foot wide lot) |

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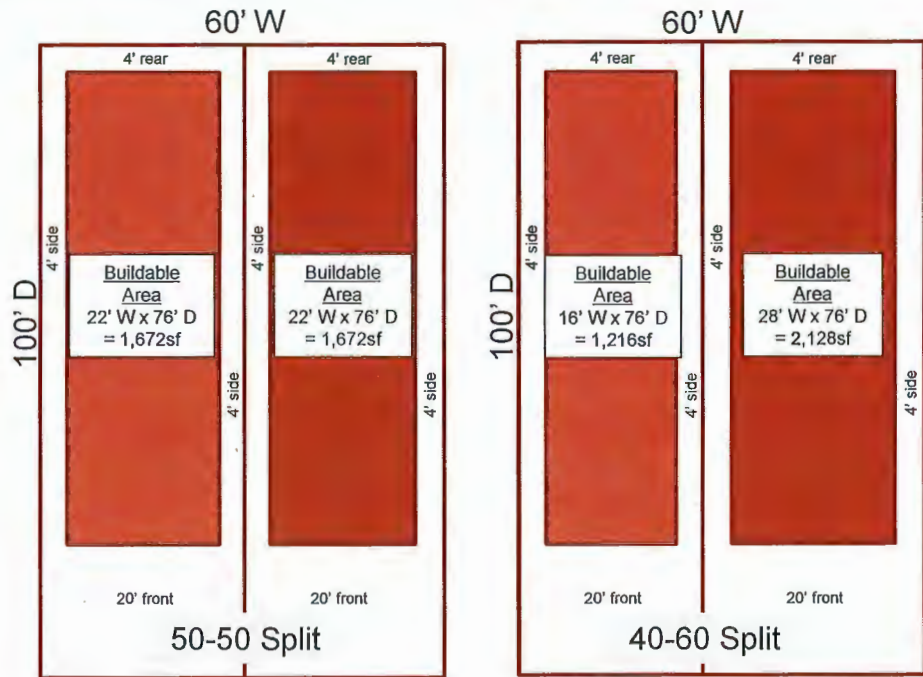
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Conventional Lot Split Example

Two Lots
30' W x 100' D
= 3,000sf

Or

24' W x 100' D
= 2,400sf
and
36' W x 100' D
= 3,600sf

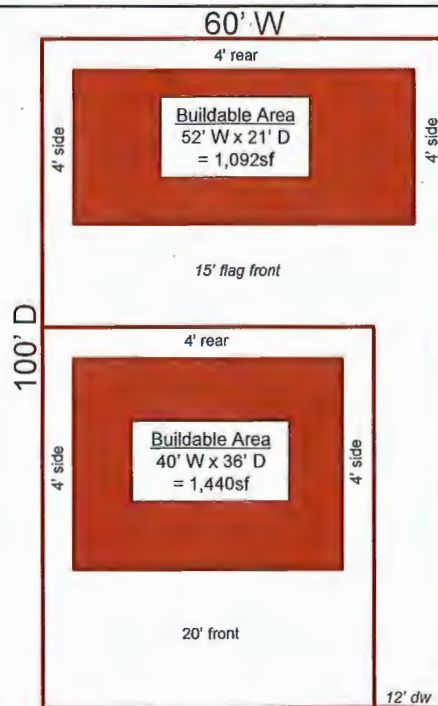


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Flag Lot Split Example

Rear Lot
60' W x 40' D
+ 12' W x 60' D
= 3,120sf

Front Lot
48' W x 60' D
= 2,880sf

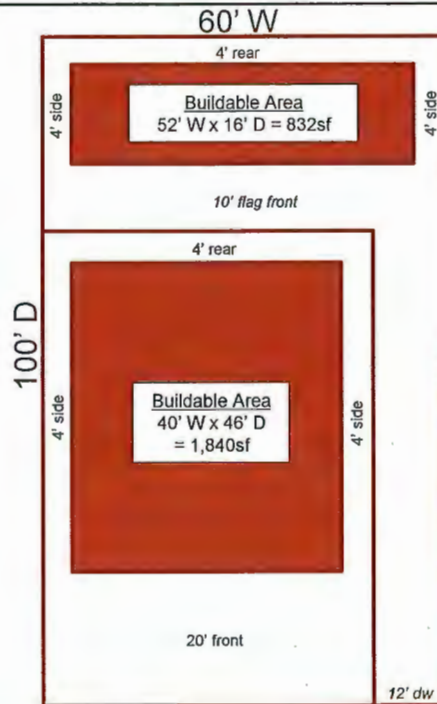


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Flag Lot Split Example

Rear Lot
60' W x 30' D
+ 12' W x 70' D
= 2,640sf

Front Lot
48' W x 70' D
= 3,360sf



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Privacy – SB 9 Requirement and Examples

| SB 9 | Sunnyvale | Campbell |
|--|---|---|
| <u>Size/Placement/Style</u> <u>Second Story Windows:</u> Not addressed in SB 9 | Windows facing a side property line must be high sill and opaque unless no other location available for required egress | Windows less than 8 feet from rear and interior property lines shall be clerestory. Other windows only min. number and size for egress. |
| <u>Second Story Balconies and Roof Decks:</u> Not addressed in SB 9 | Balconies and decks more than 2-feet above grade: 10-foot side and 20-foot rear setback when adjacent to residential. | Balconies only permitted on front elevation of primary dwelling unit. Rooftop terraces/decks prohibited. |

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Privacy – SB 9 Requirement and Examples

| SB 9 | Palo Alto | San Jose |
|--|---|---|
| <u>Size/Placement Second Stories:</u> Not addressed in SB 9 | Second floor area not permitted within the side and rear yard setbacks of underlying zoning district. | 1 story, 20-foot height limit within 20-feet of rear property line. |

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Privacy – Recommendations

| SB 9 | City of Santa Clara |
|--|--|
| <u>Size/Placement/Style Second Story Windows:</u> Not addressed in SB 9 | Second story egress windows shall face the front property line or interior of the project. Otherwise windows must be either of the following: sill height 5-foot min. above finished floor; clerestory; or opaque/frosted glass. |
| <u>Second Story Balconies and Roof Decks:</u> Not addressed in SB 9 | Roof decks are prohibited. Balconies only allowed within underlying setbacks with a maximum depth of 4-feet. |
| <u>Size/Placement Second Stories:</u> Not addressed in SB 9 | SB 9 units greater than one story in height must have a minimum 15-foot rear yard setback (consistent with proposed ADU standards) |

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Maximum Unit Size – SB 9 Requirement and Examples

| SB 9 | Campbell | Sunnyvale |
|--|--|------------------|
| Maximum Unit Size: Not addressed in SB 9. Local standards may not preclude construction of up to 2 units that are at least 800 sf. | 1,200 sf subject to maximum FAR and lot coverage | Based on 45% FAR |

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Maximum Unit Size – Recommendation

| SB 9 | City of Santa Clara |
|---|--|
| Maximum Unit Size: Not addressed in SB 9. Local standards may not preclude construction of up to 2 units that are at least 800 sf. | 1,000 sf for new SB 9 unit(s) (subject to existing Zoning Code 40% maximum lot coverage) |

Note: Although local standards may not preclude construction of up to 2 units that are at least 800sf, applicants may propose units as small as 220 square feet (as allowed by Building Code).

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Neighborhood Compatibility – Examples

| SB 9 | Campbell | Sunnyvale |
|--|--|--|
| <u>Front and Street-side/corner setbacks:</u> Front not addressed in SB 9. SB 9 side 4-feet | Front setback per Zoning Code. Front and street-side elevations of the second-story shall be recessed by 5-feet from the first story, as measured wall to wall | Front setback per Zoning Code. Front yard setback minimum 25-feet for the second story |
| <u>Front door placement/orientation:</u> Not addressed in SB 9 | | |

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Neighborhood Compatibility – Examples

| SB 9 | Campbell | Sunnyvale |
|---|---|---|
| <u>Garage location/size:</u> Not addressed in SB 9 | Street-facing attached garages shall not exceed 50% of the linear width of the front yard or street-side yard elevation | |
| <u>Front yard landscaping:</u> Not addressed in SB 9 | | Not more than 50% of the required front yard shall be paved with asphalt, concrete cement, or any other impervious surface, except as may be required to meet off-street parking and access |

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Neighborhood Compatibility – Recommendations

| SB 9 | City of Santa Clara |
|---|---|
| <u>Front and Street-side setbacks:</u> Front not addressed in SB 9 SB 9 side 4-feet | Per current underlying zoning |
| <u>Front door placement/orientation:</u> Not addressed in SB 9 | For units within 30-feet of street, main entrance door or entry porch must be oriented to street and no more than 5-feet behind the front most wall of the house |
| <u>Garage location/size:</u> Not addressed in SB 9 | For garages within 30-feet of street, max. garage width with garage door facing street: 40% width of newly created lot with. |
| <u>Front yard landscaping:</u> Not addressed in SB 9 | Min. 60% of required front yard maintained as un-paved landscaping, except as may be required to meet min. off-street parking and access requirements of Zoning Code. |

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Next Steps

- **Interim Guidance**
- **Draft Ordinance**
- **Public Hearings (Spring)**
 - **Planning Commission**
 - **City Council**
- **Zoning Code Update Integration (Spring)**

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