

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

Community Meeting 2: Draft Standards & Diagrams

September 2024



How to participate

- **Asking questions:**

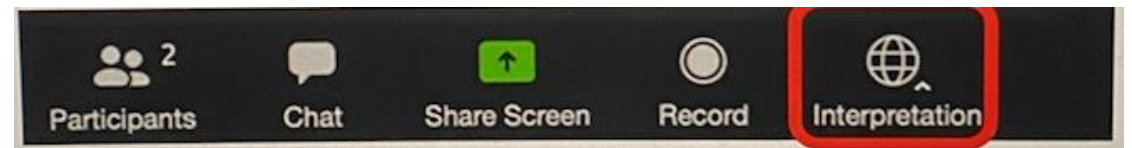
- During the discussion portion of the meeting, use the ‘raise hand’ function. A staff member will unmute you when you are called on to speak, or
- You may also use the Q&A function (we will address these questions later in the meeting)

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- **Interpretation is available**

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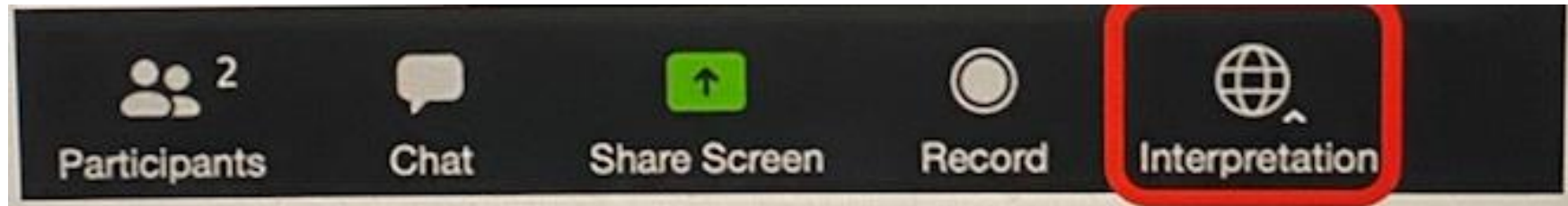
Chinese Interpretation



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



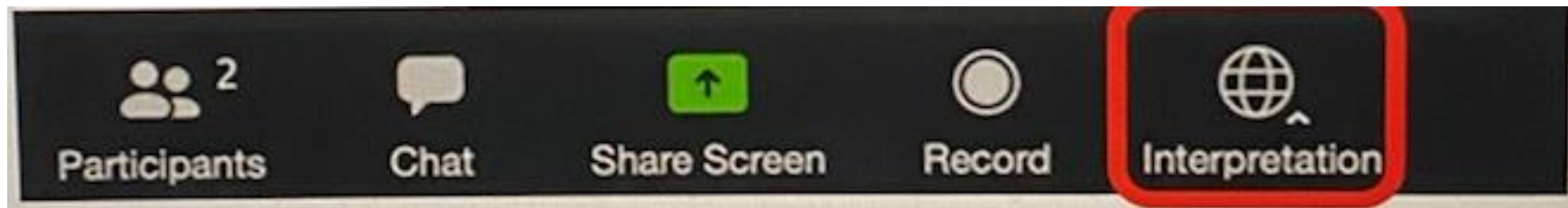
Spanish Interpretation



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



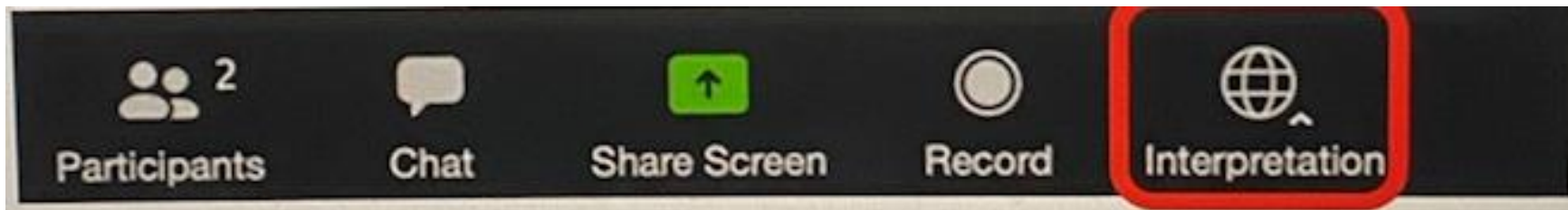
Vietnamese Interpretation



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 – Meeting 2

1. Brief context of Senate Bill 9
2. Review of preliminary standards
3. Feedback + Q & A
 - You may ask questions verbally by raising your hand, or;
 - You may also ask questions using the Q&A function



Meeting Poll



How familiar are you with Senate Bill 9 (SB 9)?

- A. I joined / watched the recording of the City's first SB 9 Community Meeting
- B. I am very familiar with SB 9
- C. I have some knowledge of SB 9
- D. I have no prior knowledge of SB 9

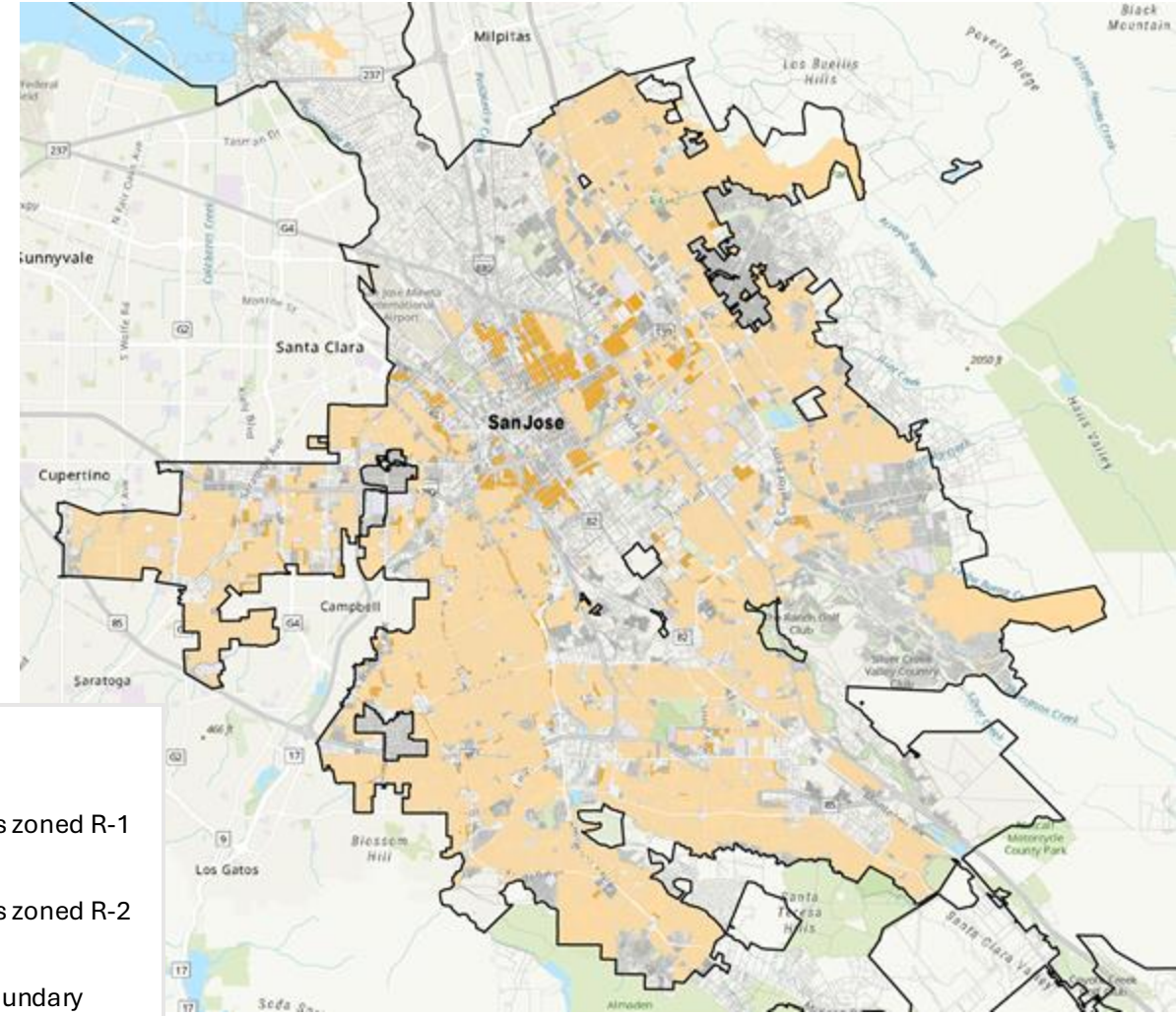
Project Introduction






Why are we here?

San Jose's City Council have asked staff to:

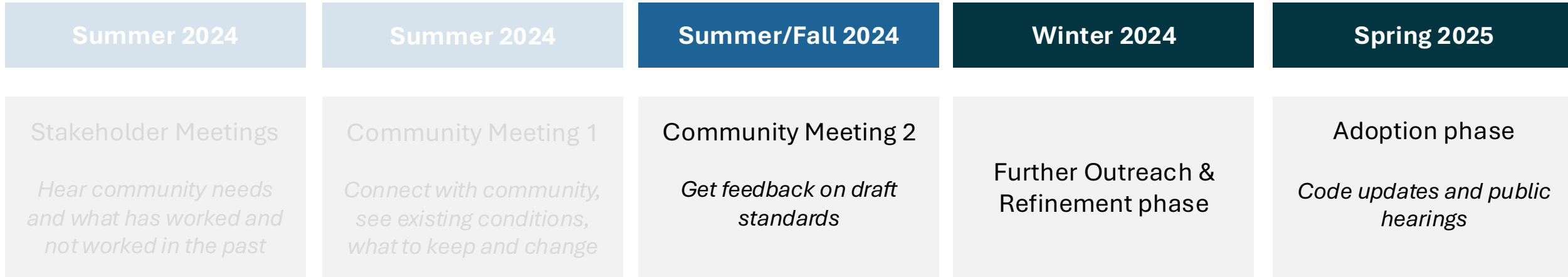
1. Explore how SB 9 development can contribute to the City's housing obligations, while retaining neighborhood character, in R-1 and R-2 zones
2. **Create objective development standards** – development rules that are clear and measurable - for certainty to neighbors and developers
3. Engage with the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



Legend

-  Parcels zoned R-1
-  Parcels zoned R-2
-  City Boundary

Outreach Timeline



We're Here

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.

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



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



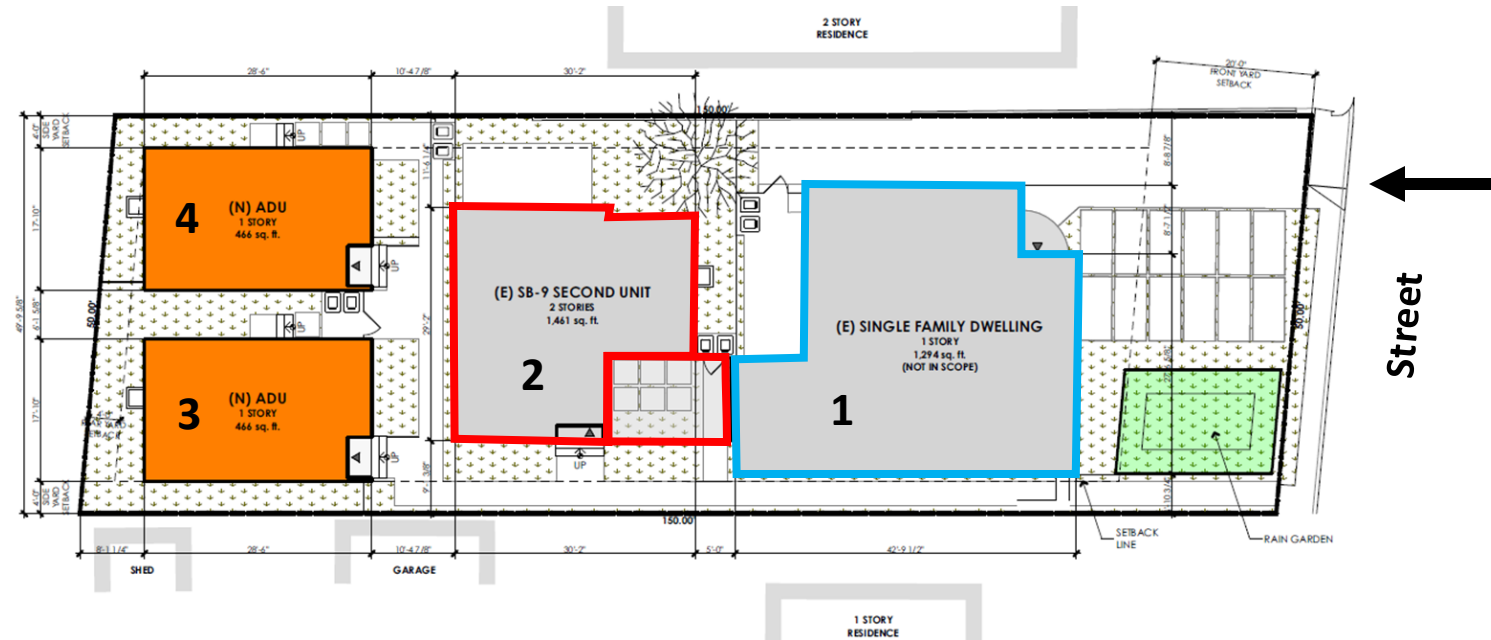
Example SB 9 Project

- **Site area:** 7500 square feet
- Existing single-family dwelling retained
- (SB 9) Two-story second dwelling added to rear
- (ADU Ordinance) Two ADUs added to rear
- Four units in total



Example SB 9 Project

- **Site area:** 7500 square feet
- Existing single-family dwelling retained (**blue**)
- (SB 9) Two-story second dwelling added to rear (**red**)
- (ADU Ordinance) Two ADUs added to rear (**orange**)
- Four units in total



Example SB 9 Project



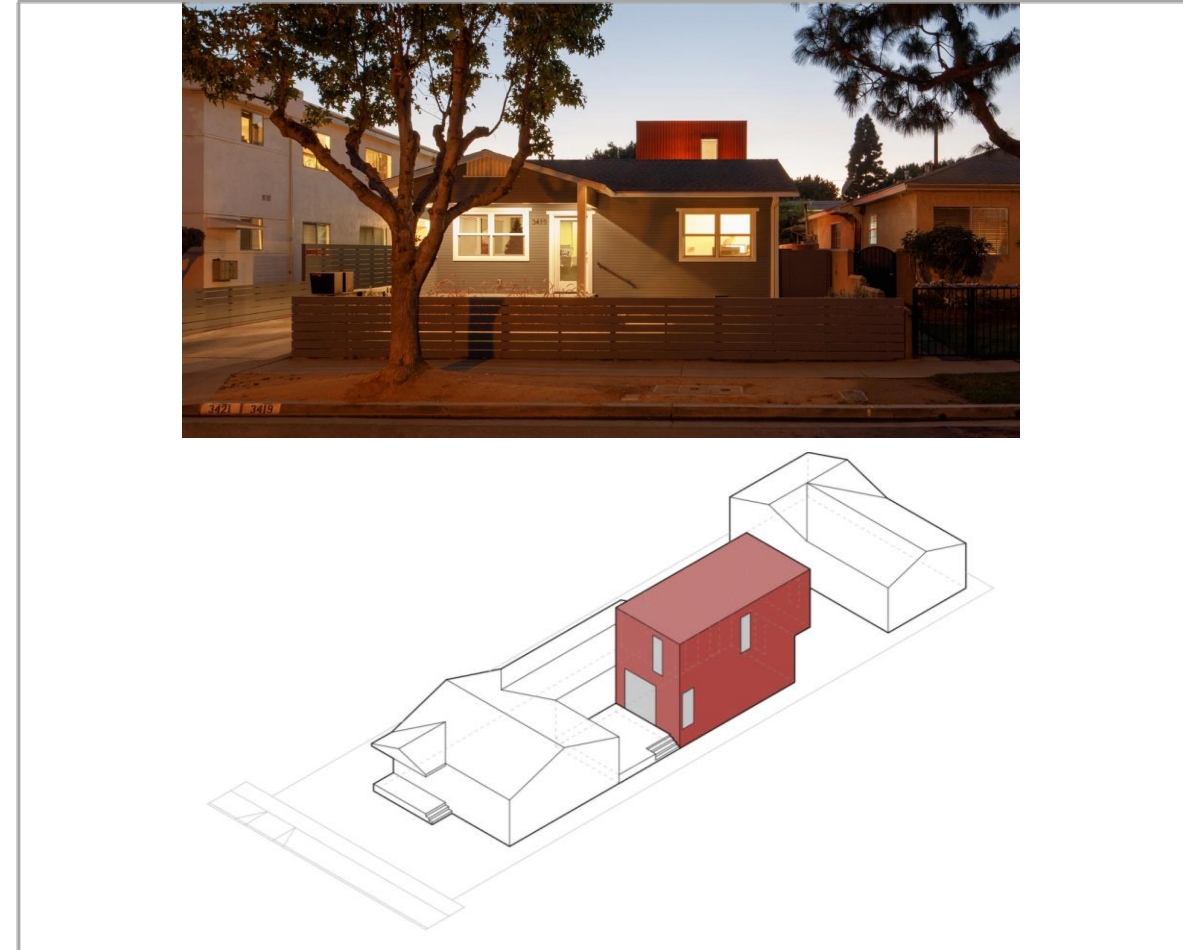
San Jose's SB 9 Project



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 effect 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



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

Existing City of San Jose Regulations



Existing City SB 9 Regulations

San Jose Zoning Ordinance 2022 [Section 20.30.800]:

| Urban Lot Split Standards | |
|---------------------------------|---|
| Access | Where a lot does not have 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 |
| Dwelling unit limitation | The city may permit no more than two units per lot created by an Urban Lot Split. |
| ADU limitation | Lots with a two-family dwelling shall be limited to one attached accessory dwelling unit or two detached accessory dwelling units |

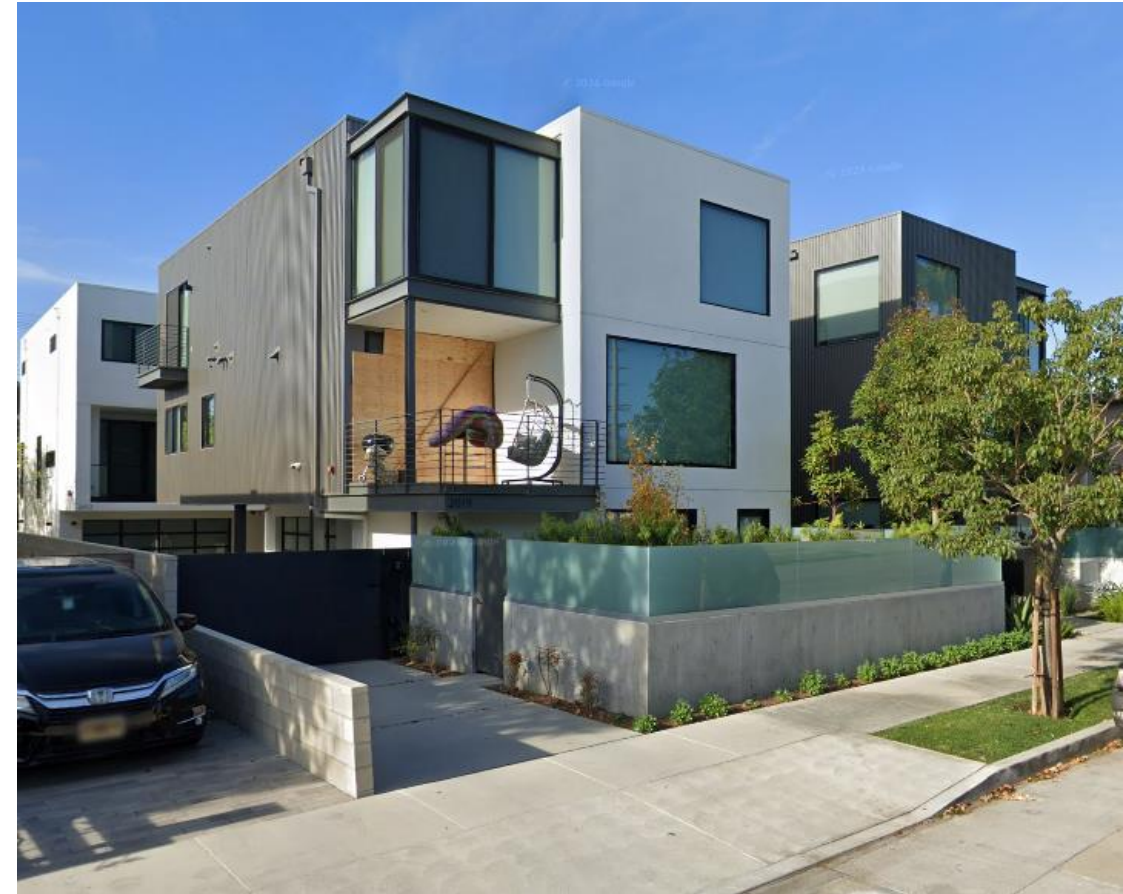
| Dwelling Unit Standards | |
|------------------------------|--|
| Floor Area Ratio | The maximum floor area ratio (excluding ADUs) shall be .45 per lot or 800 sf per unit , whichever is greater. |
| Height | The maximum height is no greater than thirty feet and no more than two stories . <ul style="list-style-type: none">• Within twenty feet of the rear property line, the maximum height is twenty feet and one story. |
| Garage frontage limit | Vehicular doors to a garage shall be no wider than one half of the width of the dwelling structure . |

Draft SB 9 Standards



Considerations

- Input from Community Meeting 1 and City Stakeholder meetings
- Case studies, best practice, lessons learned
- The physical characteristics of San Jose's R1 and R2 neighborhoods
- Balancing interests:
 - Housing provision on single family lots, with the interests of neighbors
 - The need for housing with the need to retain neighborhood character



Objectives

- **Streamline ADU and SB 9 standards** to reduce confusion created by different, overlapping standards
- Consider the **quality of living space** for future SB 9 residents
- Consider potential **privacy impacts** to adjacent residential uses
- Encourage **compatibility of new units** with adjacent single-family structures
- Address constraints with existing standards including **rear setback and easement requirements**
- Encourage more efficient site planning through mechanisms like **site coverage** in lieu of a floor area ratio (FAR)
- Explore **open space and building separation requirements** to address the need for functional outdoor spaces and landscaped area
- Minimize the **visual prominence of parking**
- Introduce **SB-9 type standards for projects in Historic Districts and on Historic Resource properties**

Draft Standards

- Site Coverage / FAR
- Rear Setback and Maximum Height
- Privacy
- Access
- Open Space
- Building Separation
- Historic
 - Massing
 - Setbacks
 - Unit location



Site Planning & Massing

Two potential approaches:

Floor Area Ratio (FAR): A measurement of a development's floor area square footage, in relation to the size of the lot.

- Controls total square footage and bulk
- Captures all the square footage of a structure (excluding garages)
- This is San Jose's current mechanism

Site Coverage: A measurement of the footprint of buildings on a site, as a percentage of the size of the lot.

- Controls footprint of buildings
- Captures only the points of a structure that meet the ground (including garages)
- This would be a new mechanism for San Jose

FAR

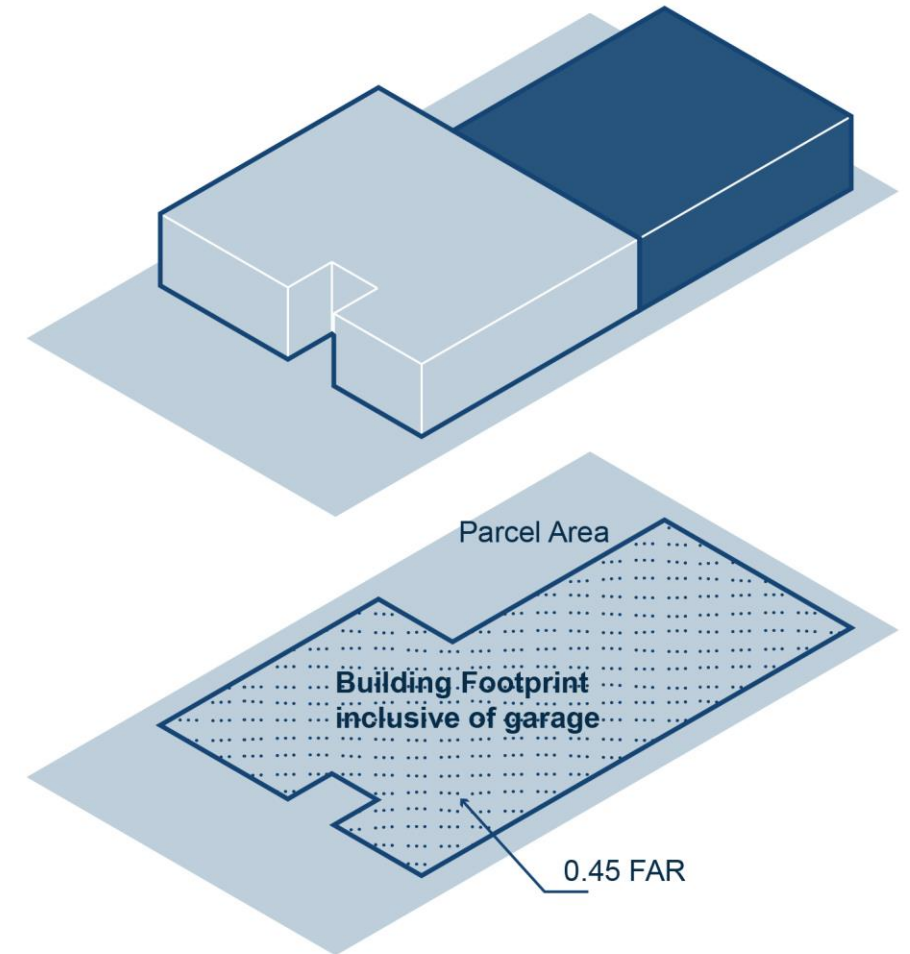
Intent: Controls the total square footage and bulk

Pros

- Addresses massing and bulk in square footage
- Encourages single story development with no limit on building footprint – a single story is cheaper to construct than a second-story

Cons

- Larger building footprint means less open space and landscaping
- Permeability is limited due to a larger building footprint
- Potential for compromised amenity outcomes to new units, given the lack of outlook, open space, landscaping, light and air.



FAR

Note: ADUs are not subject to site coverage or FAR regulations

Site Coverage

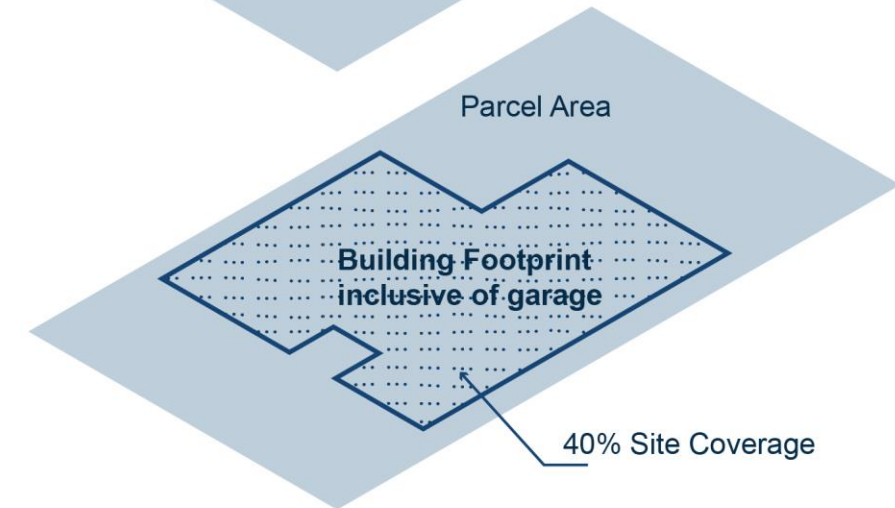
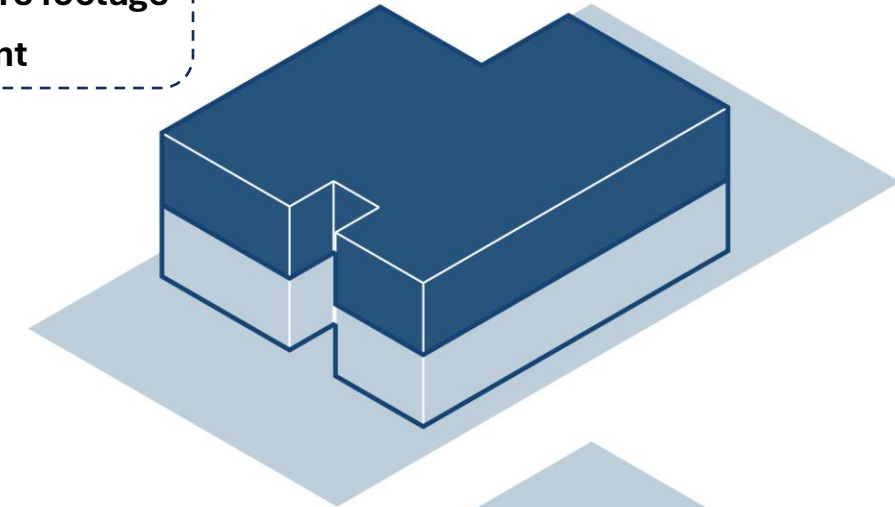
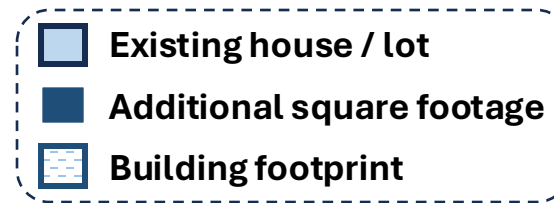
Intent: Controls the footprint of buildings on the lot

Pros

- Improved open space, landscaping, permeability
- Promotes compact, efficient site planning
- Envelope allows flexibility and a range of dwelling sizes
- Improved internal amenity with more separation likely between buildings, open space opportunities, outlook, light and air access

Cons.

- A larger envelop results, with higher FAR than current 0.45
- Limits the extent of single-story construction, which is cheaper to build. To access the same square footage as FAR, a second story may be needed.



Site Coverage

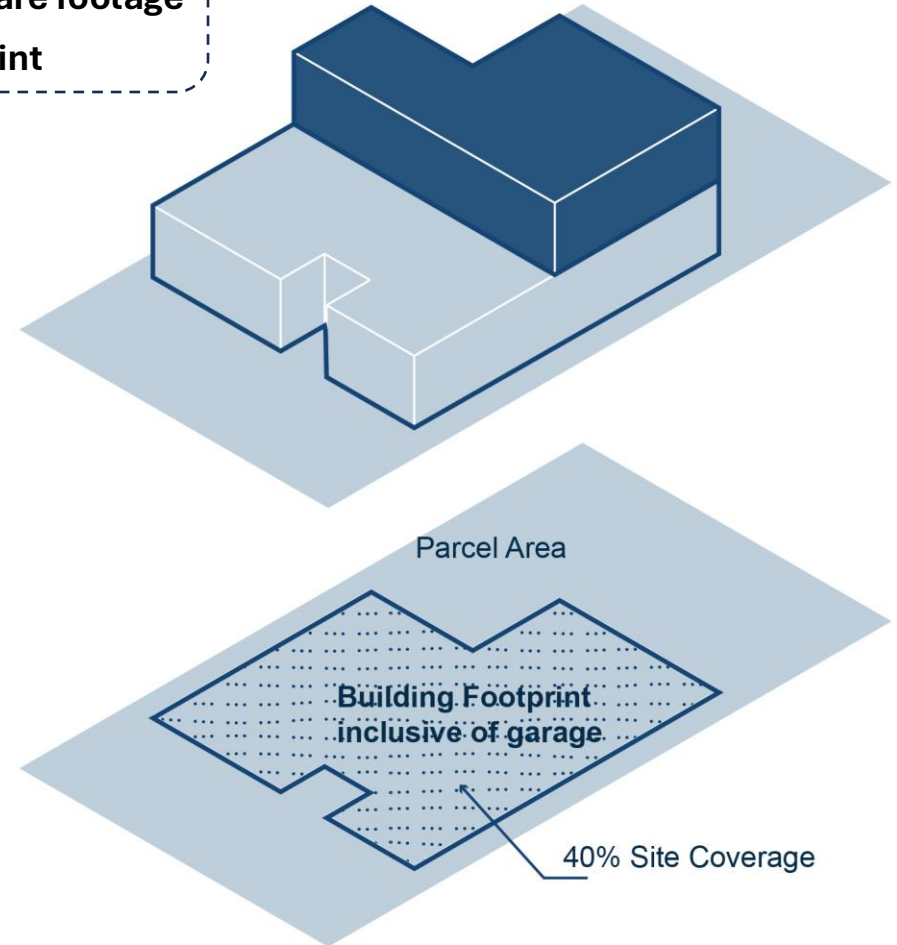
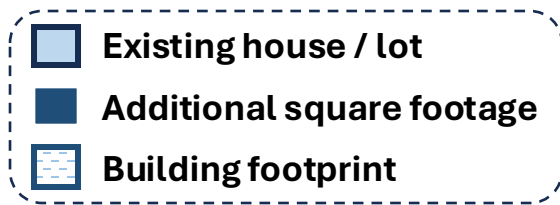
Note: ADUs are not subject to site coverage or FAR regulations

Combining Site Coverage + FAR

FAR and Site Cover mechanisms each have trade offs.

By limiting the building footprint and applying an appropriate FAR cap, the benefits of each could be integrated, while still allowing viable development.

Ability to calibrate site cover and FAR to provide suitable envelopes in a standard.



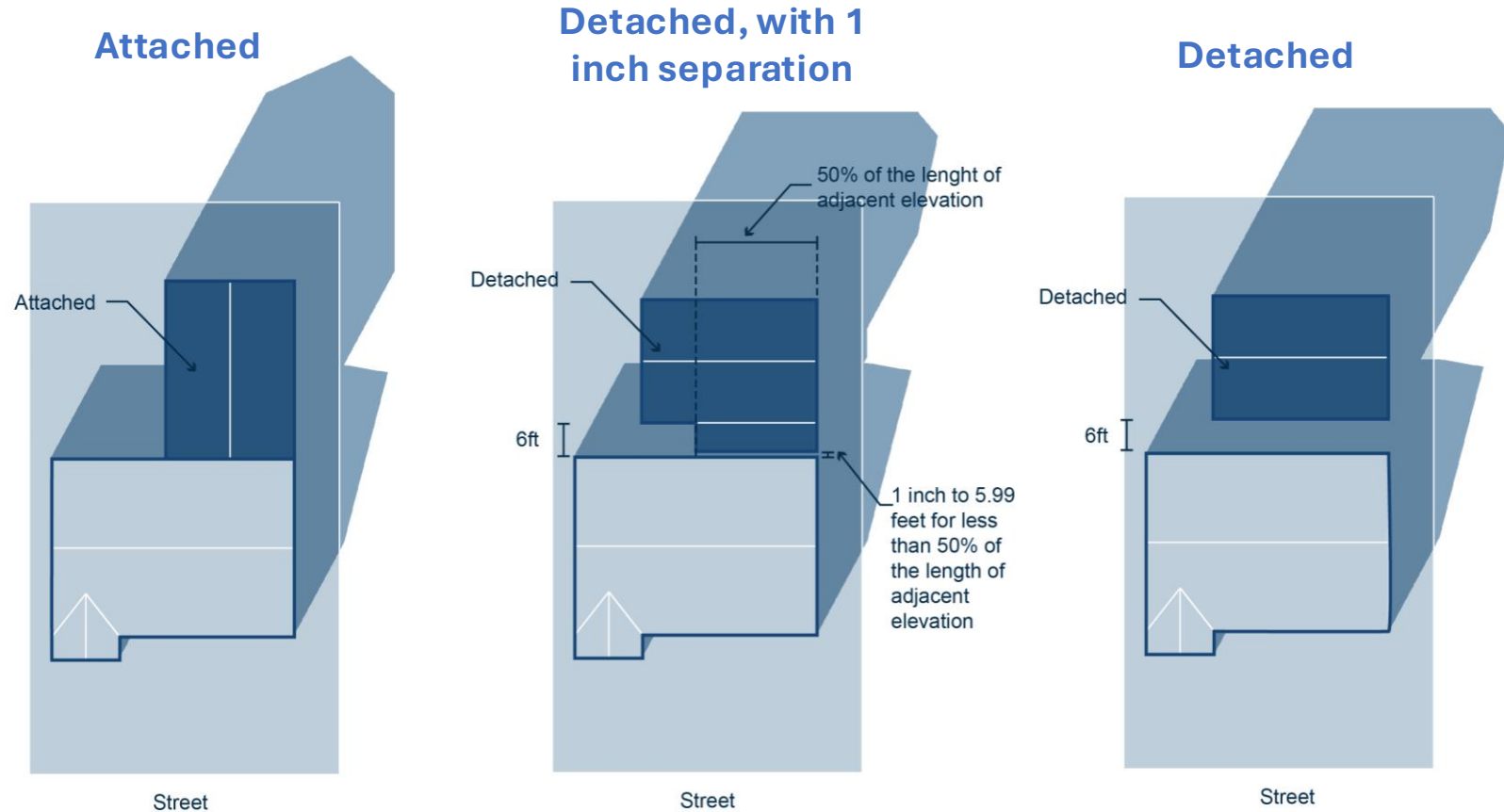
Site Coverage / FAR

Note: ADUs are not subject to site coverage or FAR regulations

Building Separation

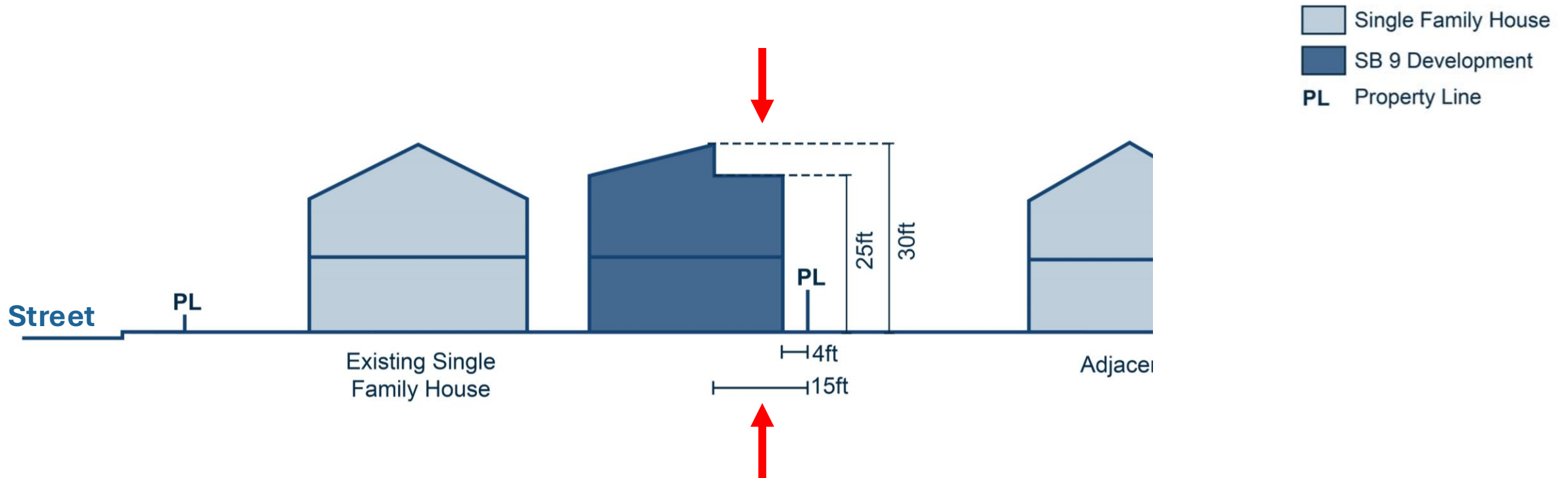
Existing requirement: Currently, building separation is required to be at least 6 feet.

Potential update: For flexible and efficient site planning, allowing buildings to be sited any distance from another structure may be considered.



Rear Setback and Maximum Height

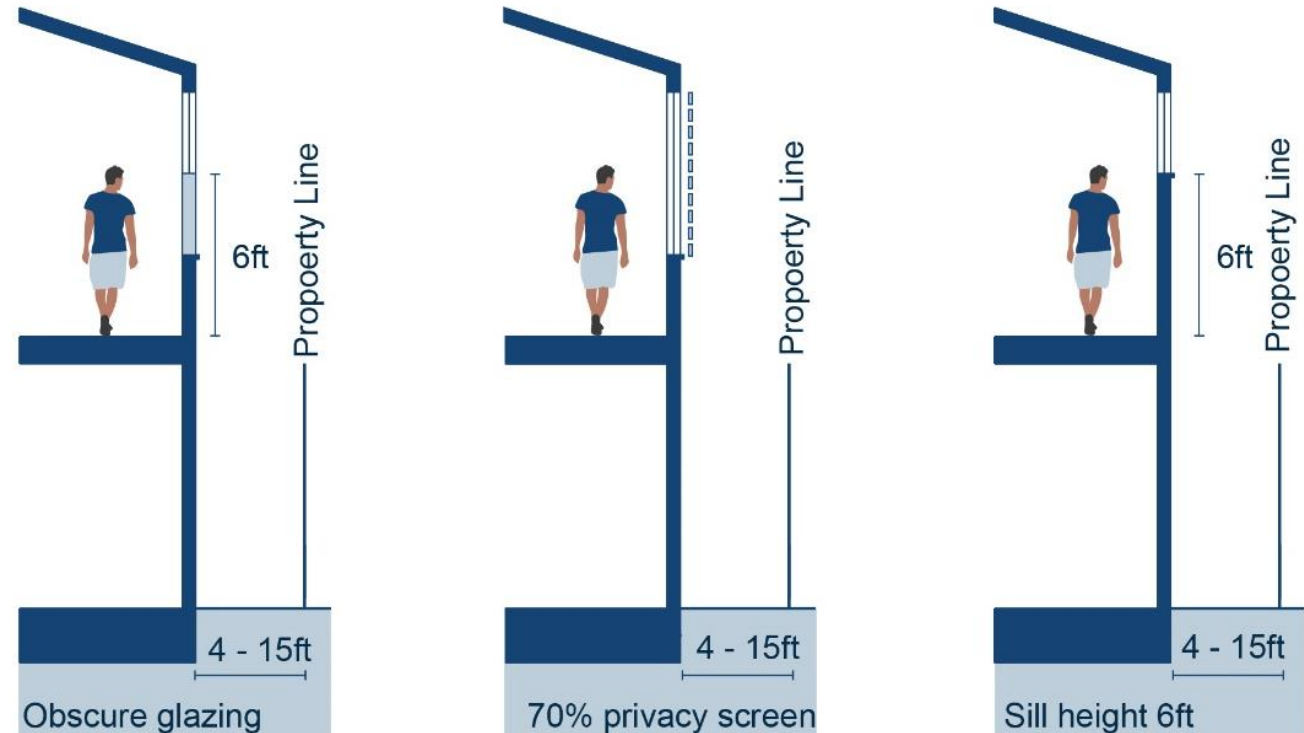
Preliminary Standard: Height and stories. Units created under SB9 shall be limited to a maximum height of no greater than 30 feet and no more than two stories, except portions of units within 15 feet of the rearmost property line shall have a maximum height of no greater than 25 feet and 2 stories.



Privacy

Window Privacy. Windows and clear glass doors on the second floor or stairwell facing an interior residential lot line less than 20 feet from the side or rear lot line, and first-floor windows less than six (6) feet from a property line where the finished floor height is two (2) feet above grade, shall use at least one of the following mechanisms:

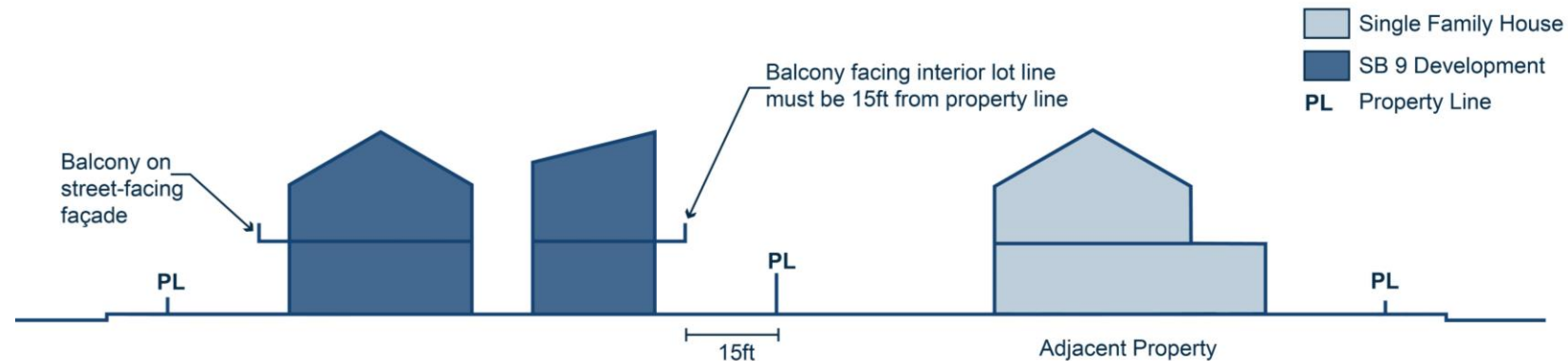
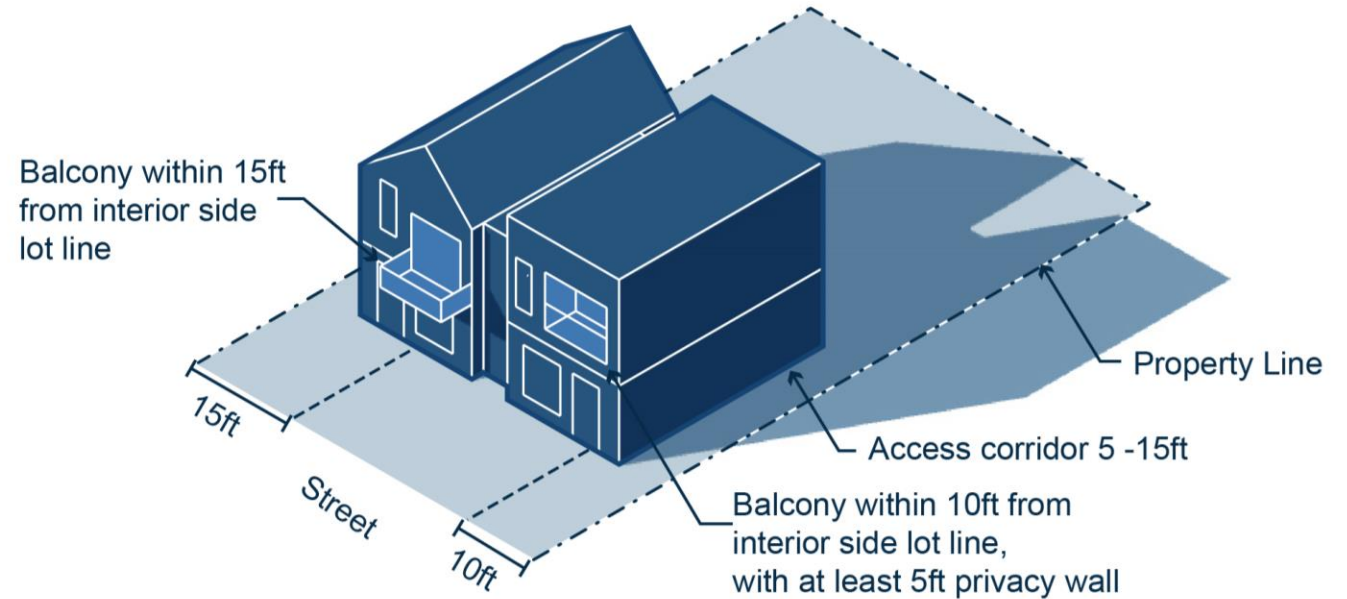
- Permanent, obscure glazing to at least 6 feet from the finish floor level.
- Exterior mounted permanent architectural privacy screens that block views more than 70%.
- Windows with sill heights at least 6 feet above finish floor level.



Privacy

Second Floor Balcony Privacy. No more than one second-floor deck/balcony shall be permitted per unit and:

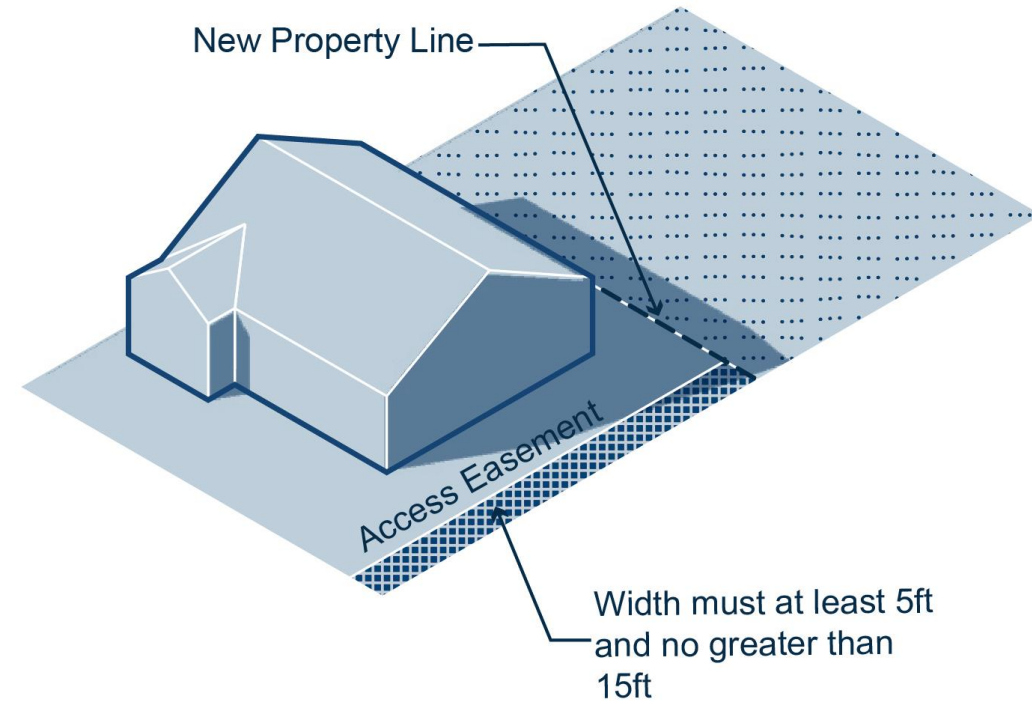
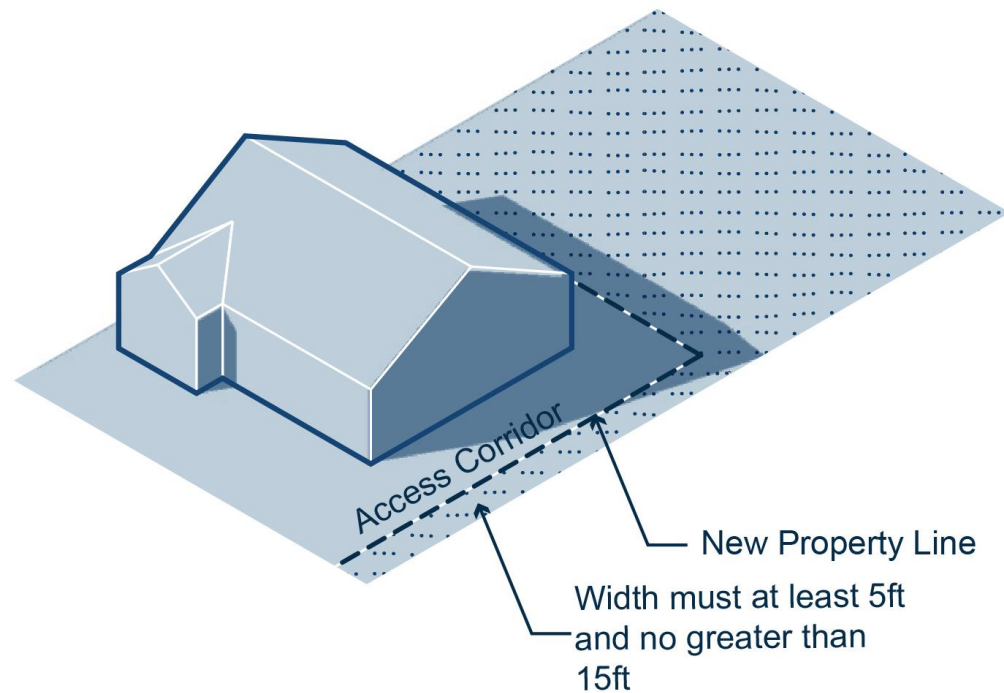
- If located on a street-facing façade, it shall be at least 15 feet from any interior side lot line or at least 10 feet from any interior side lot line with a 5-foot-tall solid privacy wall.
- If located on an interior façade, it shall be at least 15 feet from the side or rear lot line.



Access

Lot design requirements, lot frontage.

i. Where a lot does not have frontage to the public right of way, an access corridor or easement shall be provided. The access shall have a minimum width of 5 feet but no more than 15 feet in width for the entire length of the easement.



Open Space

Each SB9 unit shall provide a minimum of 50 square feet of contiguous open space with a minimum dimension of 5 feet in each direction.

First-floor or multi-story units must provide required open space at ground elevation; second-story units may provide required open space at either ground floor elevation or on the second story in the form of a balcony or terrace.

Open space may be provided as shared or individual areas as long as the open space provided meets a minimum of 50 sf/unit.



Historic Standards



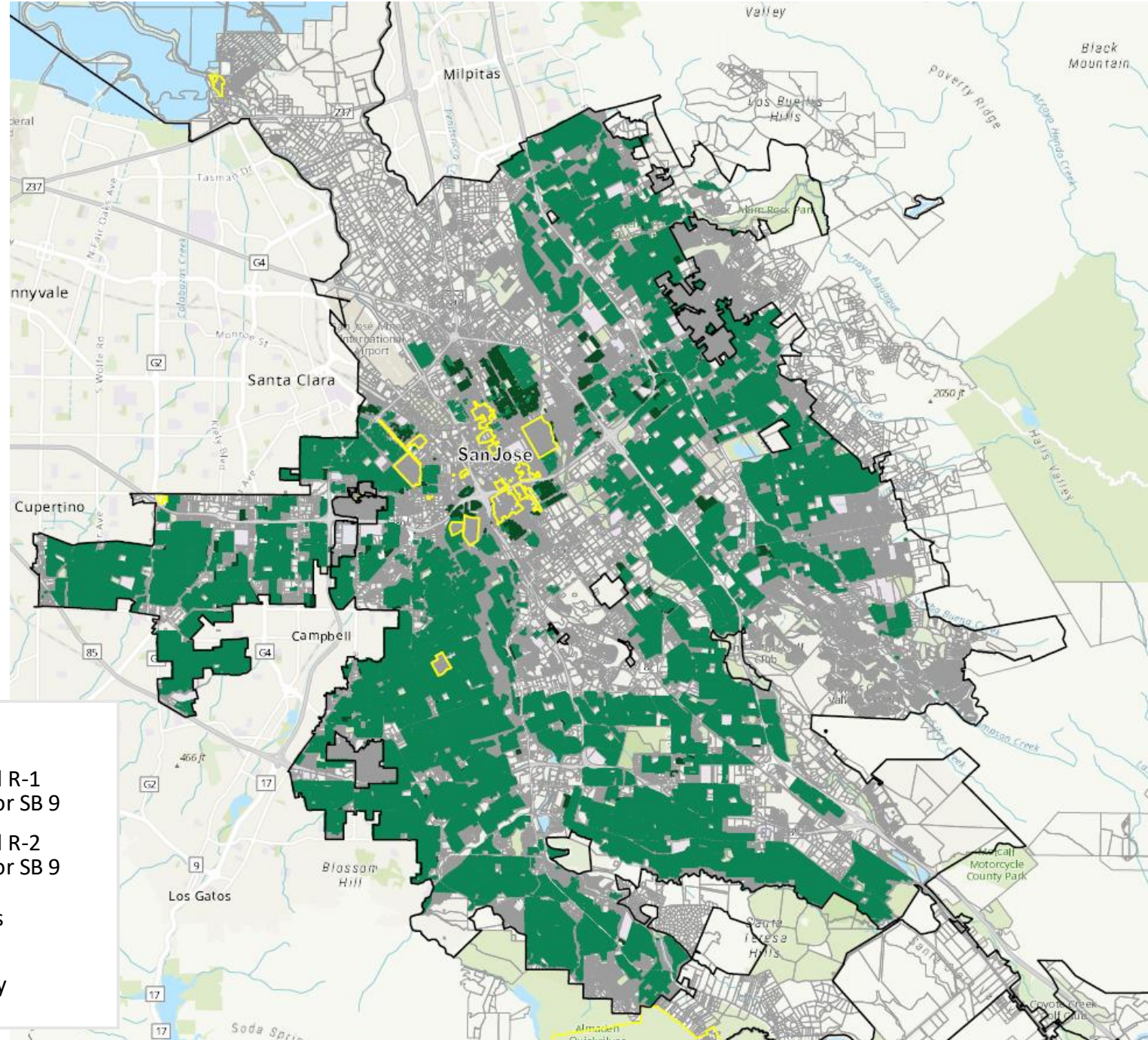
City Council Direction: *December 2021*

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.

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



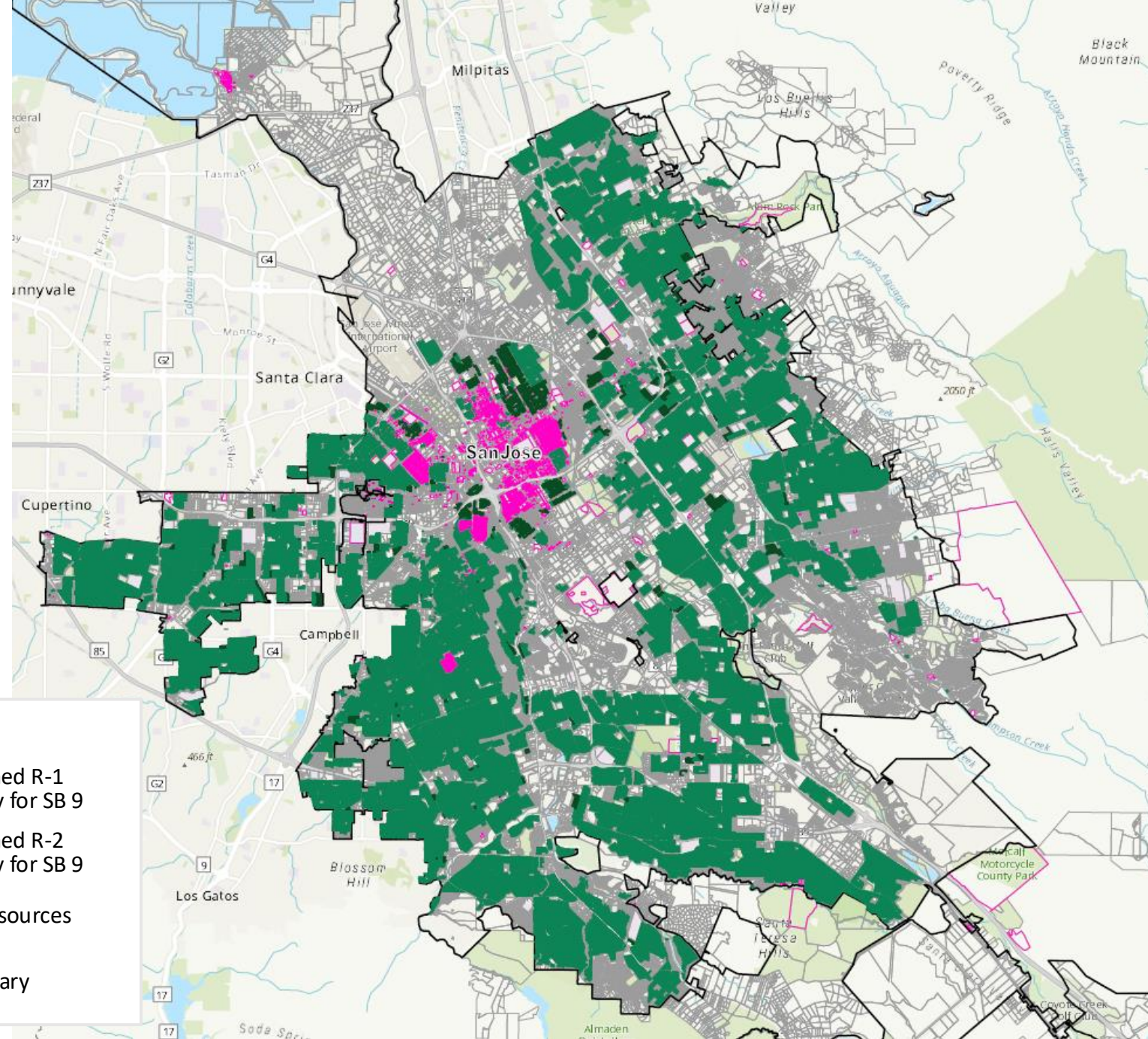
Legend

- 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



Draft Standards

Historic – Permitting, Building Preservation, Lot Splits

- **Historic Preservation Permit.** Proposed SB 9-type units on City Landmarks properties or within a City Landmark Historic District shall be required to obtain a Historic Preservation (HP) permit under SJMC §13.48.
- **Building Preservation and Lot Splits.** For contributor properties on the San José Historic Resources Inventory (HRI) Resource and Conservation Area:
 - Buildings shall not be demolished for the development of SB 9-type units.
 - Lots shall not be split to create SB 9-type units.



Draft Standards

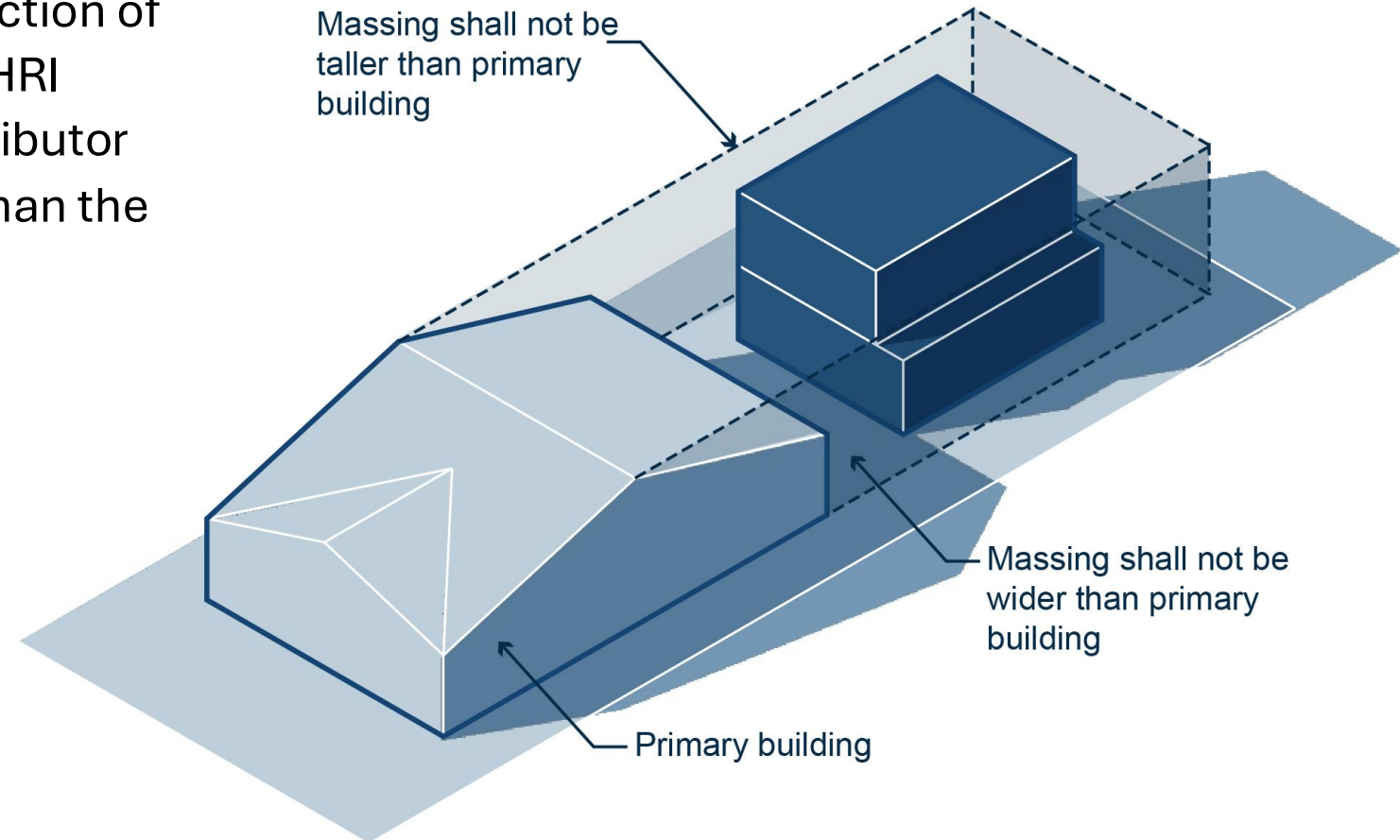
Historic – Elevation & Materials

- For contributor properties on the San José HRI Resource and Conservation Area, the construction of SB 9-type units:
 - Shall not physically alter or modify the primary street-facing elevation for the construction of SB 9-type units.
 - Shall match the historic primary dwelling exterior wall and roofing materials.



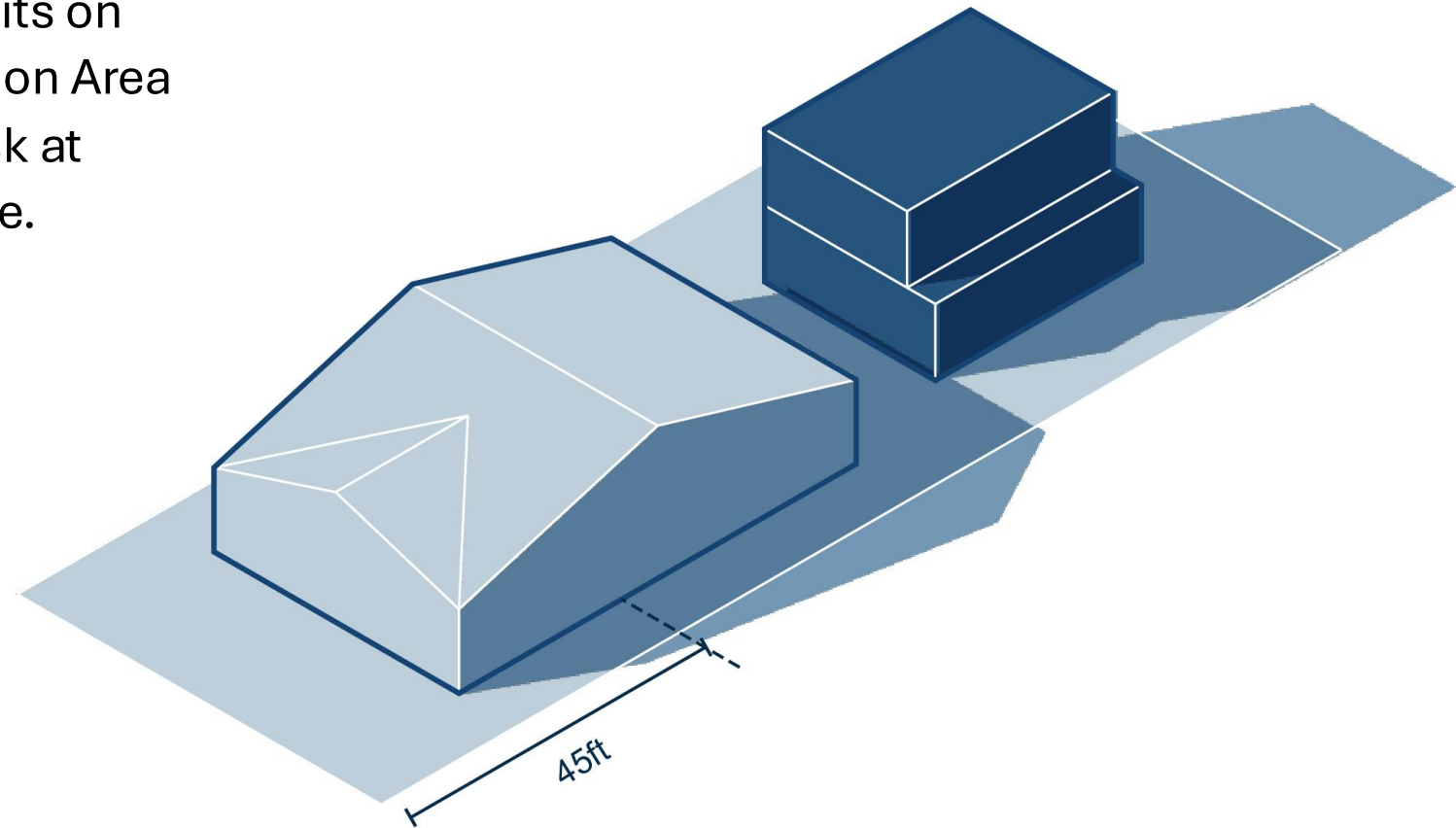
Historic

- **Detached Unit Massing.** New construction of detached SB 9-type units on San José HRI Resource and Conservation Area contributor properties shall not be taller or wider than the primary building fronting the parcel.



Historic

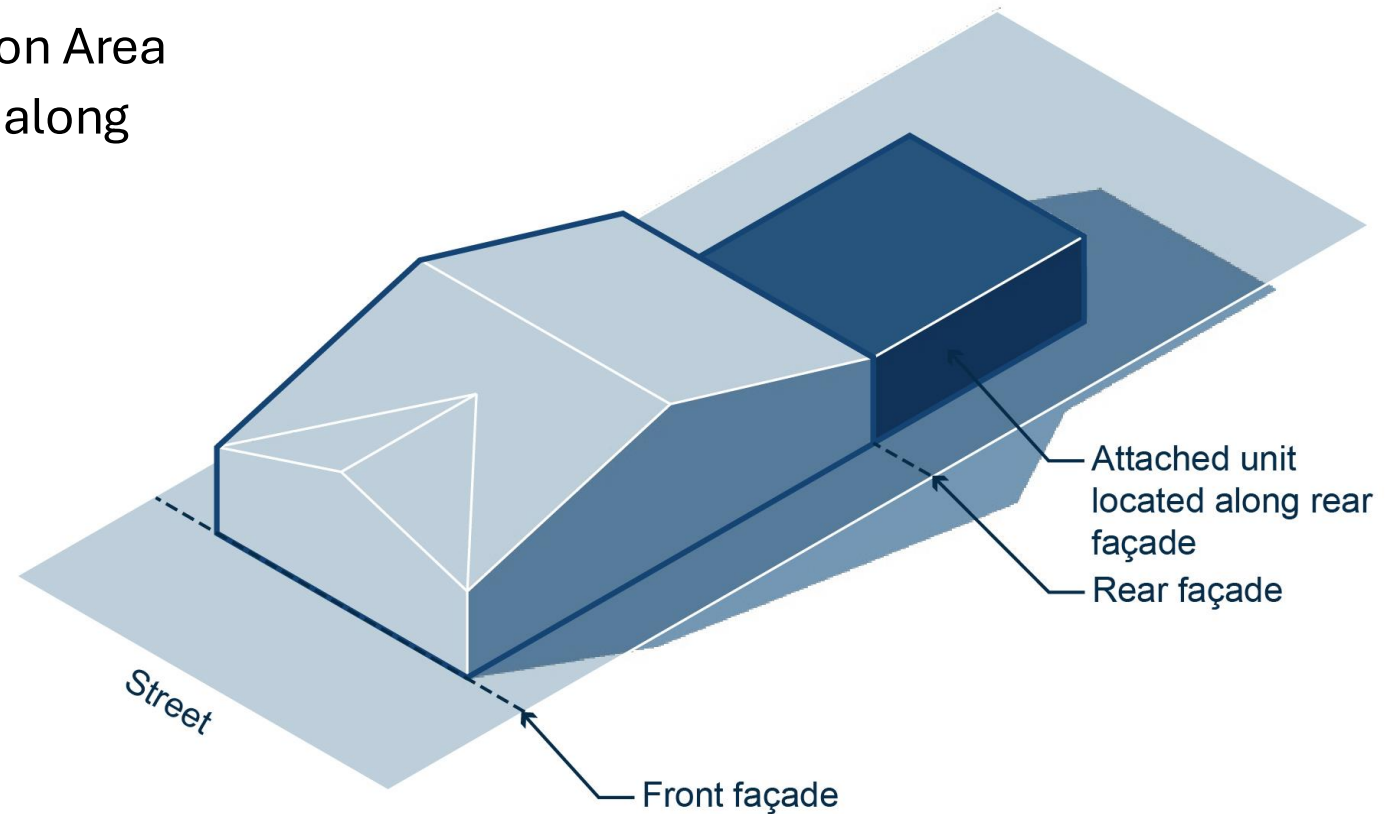
- **Detached Unit Front Setback.** New construction of detached SB 9-type units on San José HRI Resource and Conservation Area contributor properties must be set back at least 45 feet from the front property line.



Draft Standards

Historic

- **Attached Unit Site Location.** New construction of attached SB 9-type units on San José HRI Resource and Conservation Area contributor properties shall be located along the primary dwelling's rear façade.



Draft Standards

- Site Coverage / FAR
- Rear Setback and Maximum Height
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- Open Space
- Building Separation
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 - Unit location



Q & A / Discussion



How to participate

- **Asking questions:**

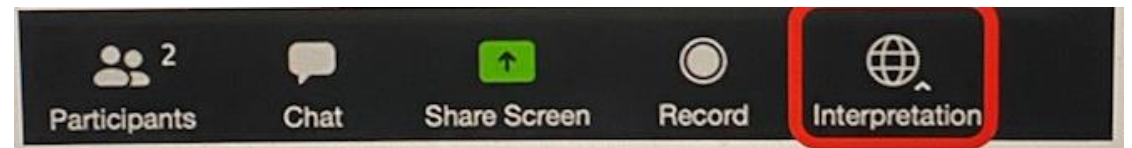
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Public Comment Guidelines

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.

Questions or comments on presentation content?

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

Further questions or comments?

City | Aparna.Ankola@sanjoseca.gov

AECOM | Scott.Williamson@aecom.com

[City SB9 Objective Design Standards project webpage](#)



AECOM

Thank you!



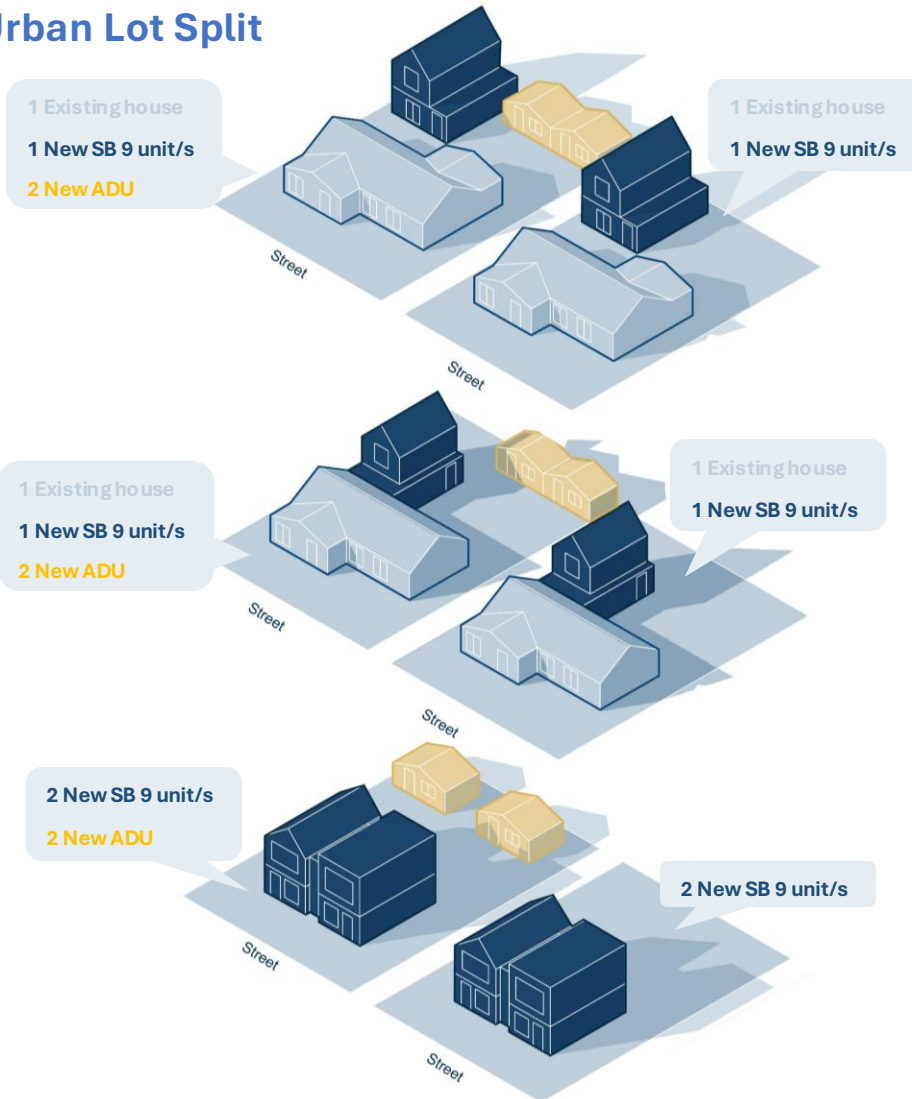
AECOM


Appendix



Permitted development under SB 9

Two-unit development scenarios, no Urban Lot Split



-  Existing house / lot
-  New SB 9 unit/s
-  New ADU

In all scenarios, a single site may accommodate max 4 units

Urban Lot Split scenarios

