



# City of San Jose

# SB9 Objective Design Standards

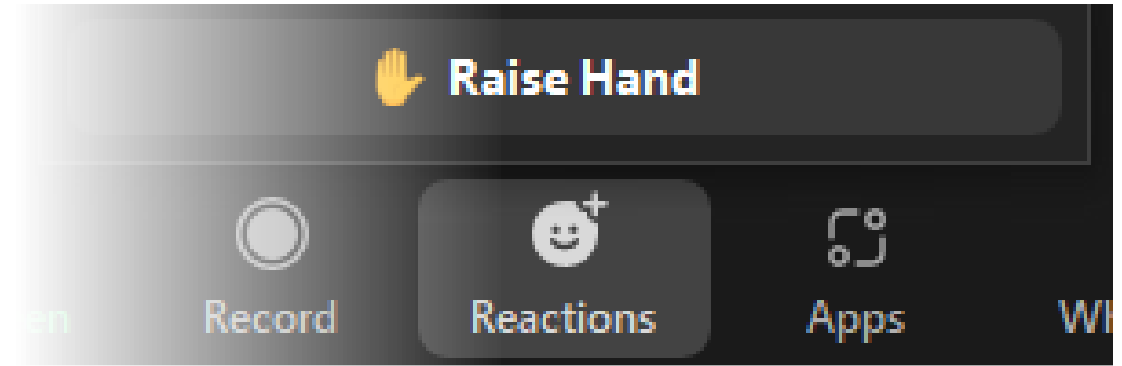
Stakeholder Focus Group

July 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



**Aparna Ankola**  
Supervising  
Planner



**Martina Davis**  
Division  
Manager



**Rina Horie**  
City Planner

**Dana Peak**  
Historic  
Preservation  
Officer



**Laura Adleman**  
Outreach Lead



**Trina Meiser**  
Architectural Historian



**Scott Williamson**  
Project Manager



# 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 (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 City Council Direction: December 2021

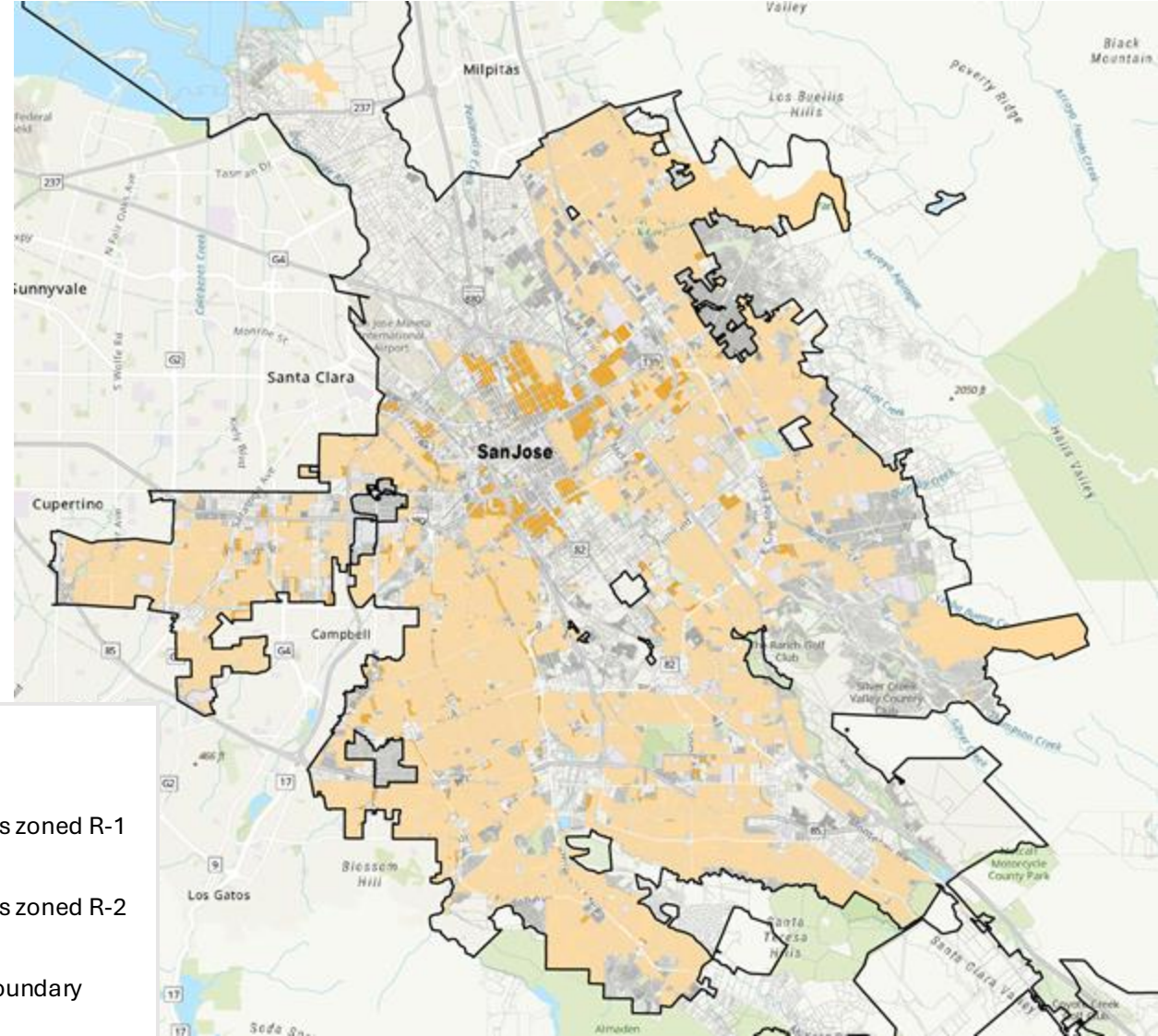
1. For properties within the **12 historic districts** in the City of San Jose and those listed on the city's historic inventory, allow "SB 9-type" housing projects with the following exceptions:
  - a. Explicitly disallow demolition of any contributing building or "individually significant" structure (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 SB9 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 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 and historic districts.**





# 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



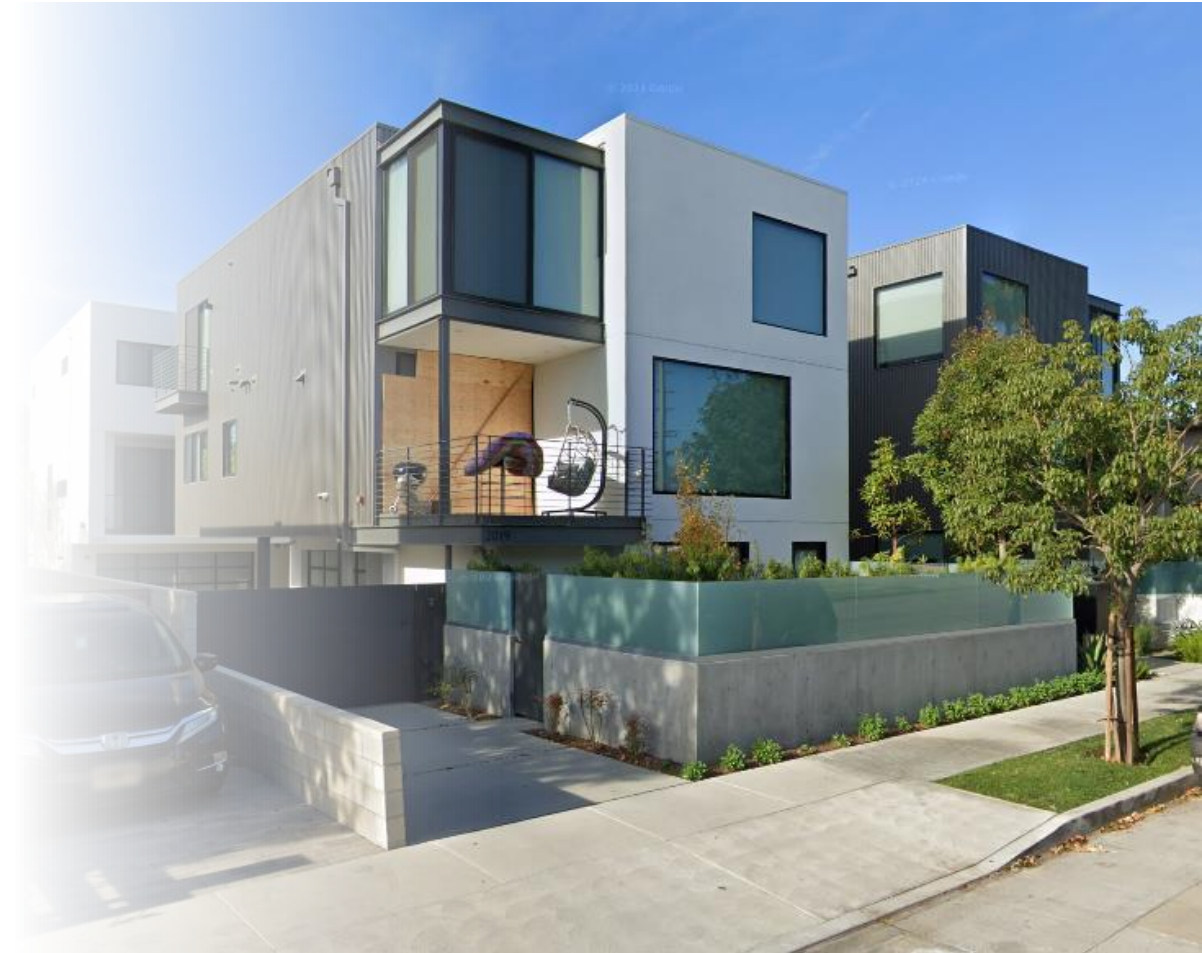
Circa 1892, building character, 116 years old. Archives & Architecture, Historic District Study – Lake House Neighborhood, prepared for the City of San Jose, April 28, 2006

# SB9 Exclusions

## Certain factors disqualify R-1 sites from SB9, including:

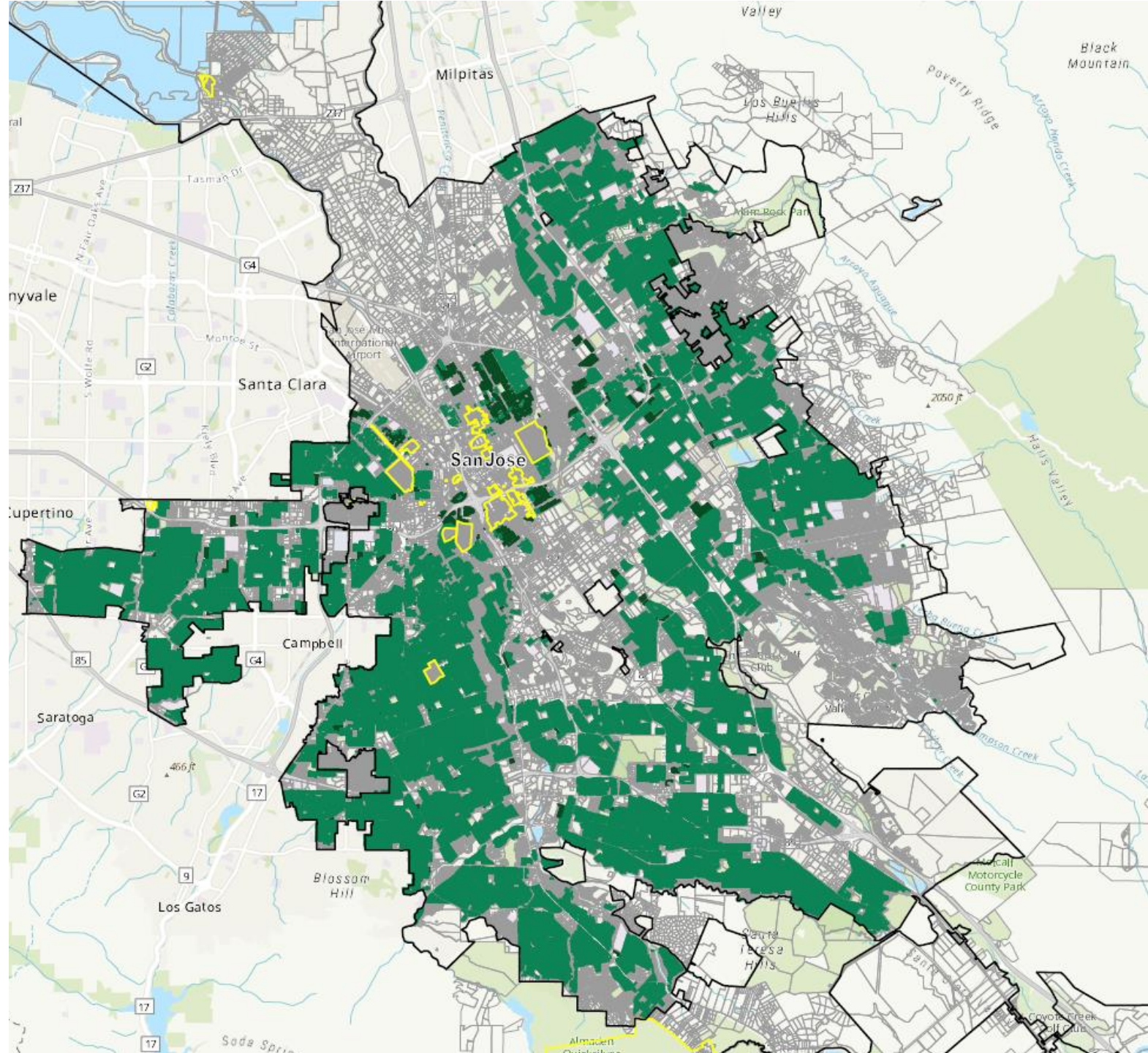
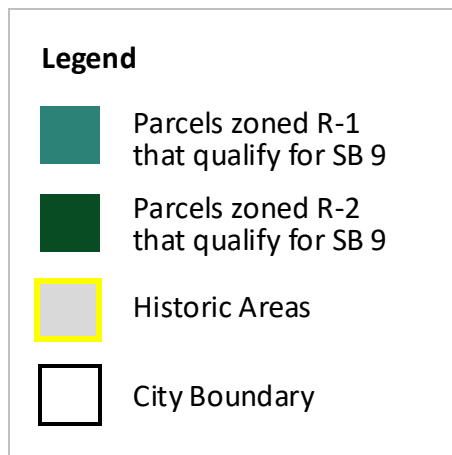
- Protected farmlands
- Wetlands
- Very high fire hazard severity zones
- Hazardous waste sites
- Special flood hazard areas or regulatory floodways
- Lands protected for conservation
- Habitat for protected species
- Sites within a historic district or on a site that is designated as historic

**Note:** The above factors apply to development using the State's SB-9 standards. Under SB-9, a City may apply less restrictive disqualifying factors to development, but may not be more restrictive.



# Historic Districts





- There are **20 historic districts in the City - most are located around downtown:**
  - 6 designated as National Register Districts
  - 8 designated as City Landmark Districts
    - (3 of which are also National Register Districts)
  - 9 designated as City Conservation Areas
- **2,307 parcels** zoned R1 or R2 are in a historic district:
  - R-1: 1,949 sites / 143,440 total
  - R-2: 358 sites / 7,980 total

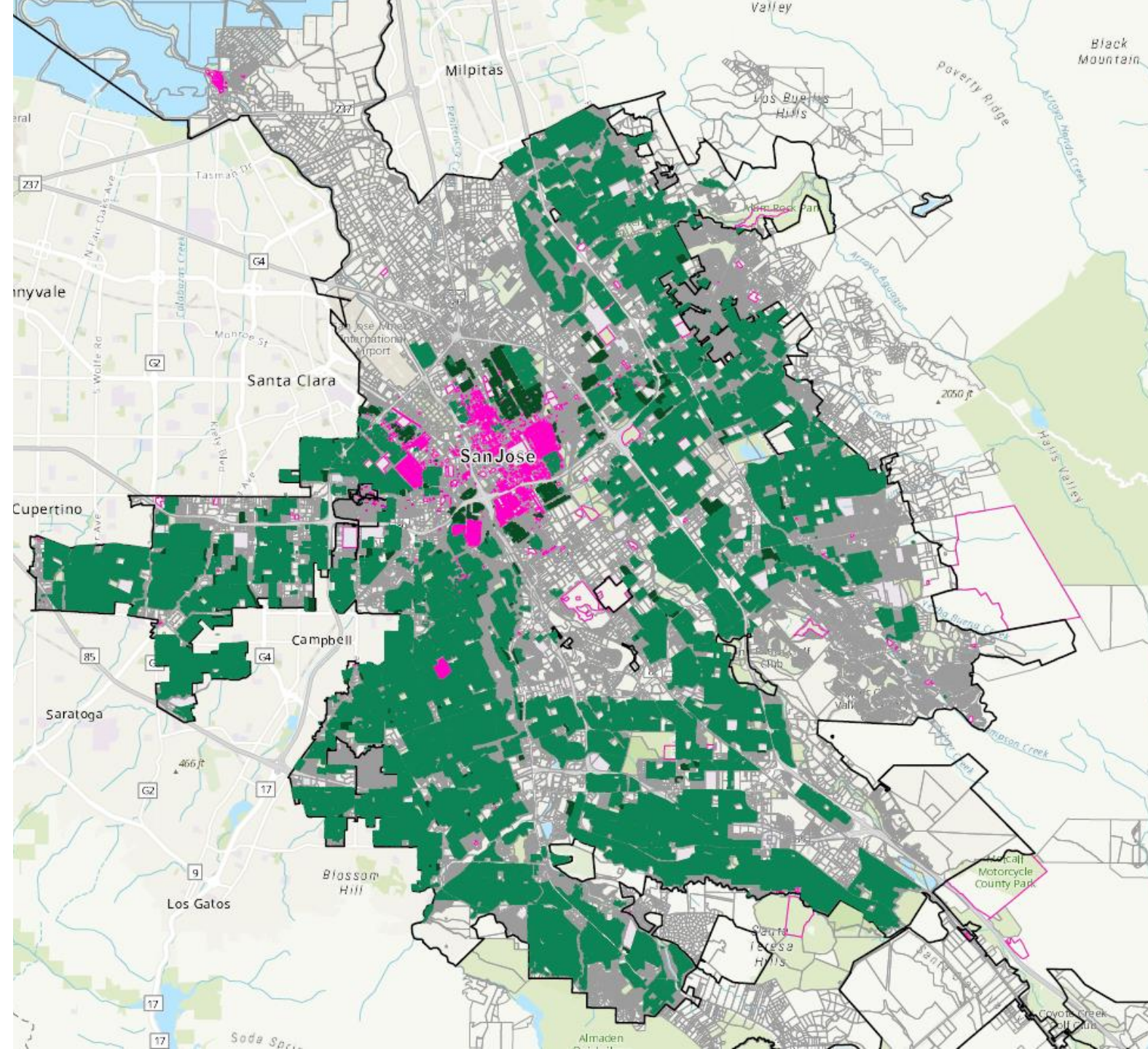


# Historic Resources

- **4,630 sites Citywide** are identified as historic resources:
  - Many are also located in historic districts.
- **2,567 parcels zoned R-1 or 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



# 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

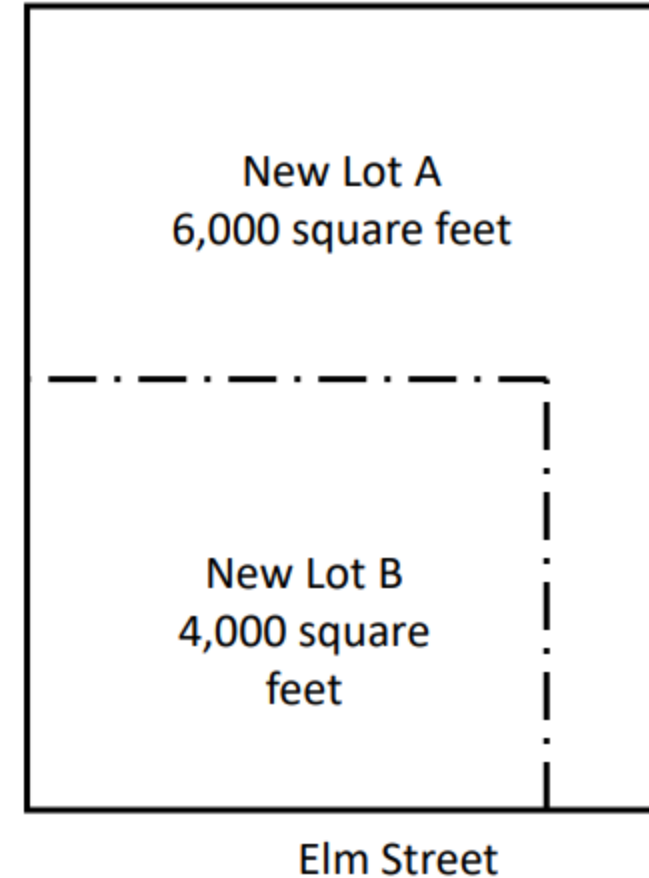
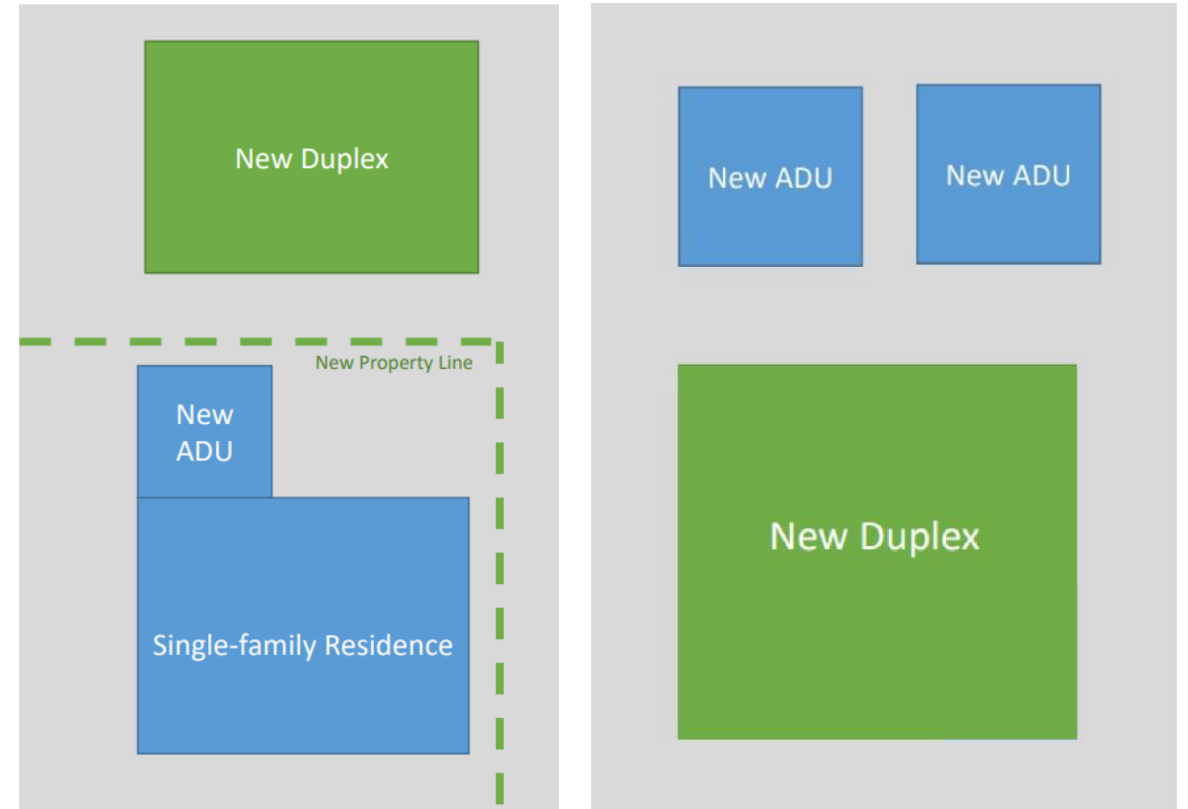


Diagram of a potential urban lot split arrangement  
Source: City of San Jose City Council Presentation, October 28, 2021

# 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 has categories: RESIDENTS, BUSINESSES, JOBS, YOUR GOVERNMENT (highlighted), and NEWS & STORIES. A left sidebar menu lists various planning and code enforcement topics, with 'Start a New Project or Use' selected. The main content area is titled 'SB 9 DUPLEX PROJECT OR SUBDIVISION' and contains the following text:

**SB 9 DUPLEX PROJECT OR SUBDIVISION**

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. -----

**QUALIFYING PROJECTS**

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:

- **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:
- **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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# Existing City Guidelines

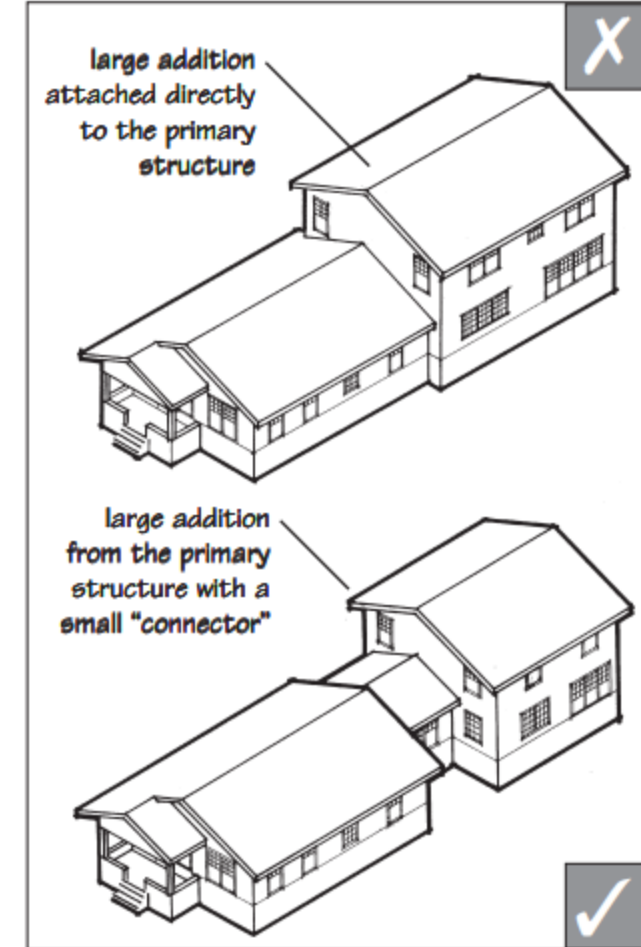
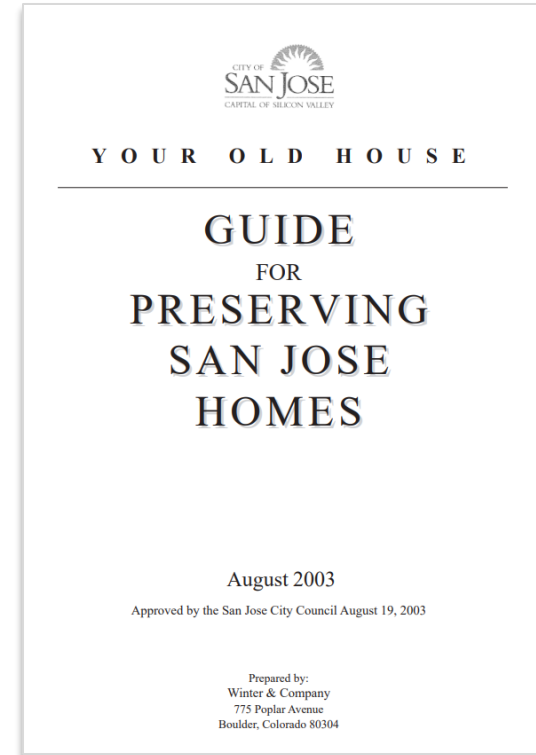
## Your Old House: Guide for Preserving San Jose Homes (2003)

Applied in conjunction with the Historic Preservation Ordinance in Chapter 13.48 of the Municipal Code

The guide aims to establish a common understanding of preservation design principles and standards, covering rehabilitation, additions, new construction and site work

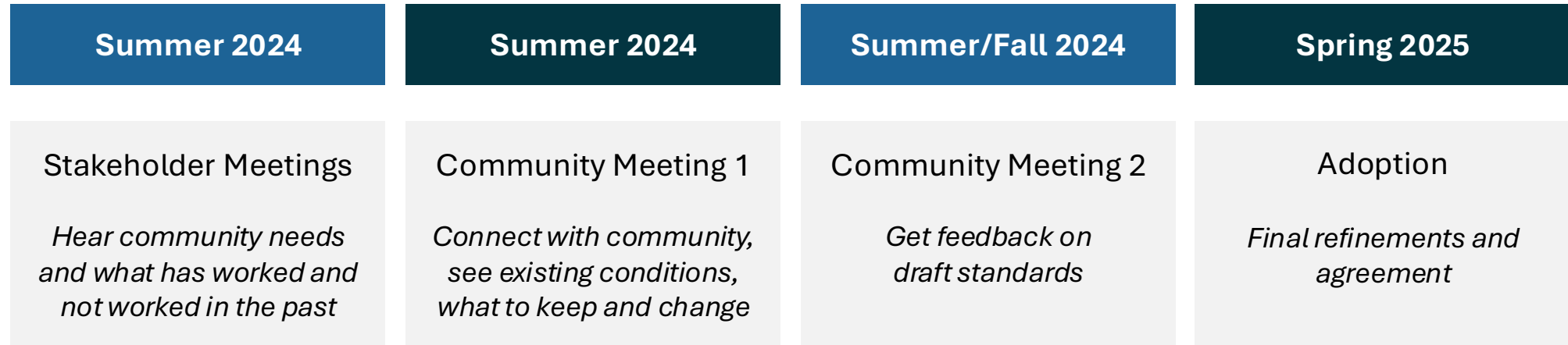
Chapter 6: Infill and Alterations to Non-Historic Houses (following the Secretary of the Interior's Standards)

The established Design Guidelines form the basis for the design review process and may provide a basis for creating objective design standards



*While a smaller addition is visually preferable, if an addition would be significantly larger than the original building, one option is to separate it from the primary building, when feasible, and then link it with a smaller connecting structure.*

# Outreach Timeline



**We're Here**

# Pause

Any questions before we open it up for discussion?



# Discussion



# Balancing housing and historic character in San Jose

- 1. On a historic property, what would be your primary considerations / concerns if a project was to propose:**
  - The addition of a unit, and / or
  - Subdivision
- 2. What do you think are the most important design elements to balance a successful SB9-type project with historic character?**

# The historic review process in San José

- 1. Do you have suggestions for how the City might best implement the historic review process, when allowing SB 9-type projects on historic properties?**
- 2. What should the historic review process look like? What limitations should we consider?**
- 3. Are there other effective models for historic processing the City might learn from?**

# Thank you!

## Project Contacts

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