



North Fair Oaks Community Council

MARCH 17, 2022

SB 9

A briefing on Senate Bill 9 (SB 9), a new state law that imposes new requirements and limitations on the County's review and approval of subdivisions and residential development on parcels zoned for single-family residential use



SB 9: URBAN LOT SPLITS AND TWO-UNIT DEVELOPMENT

- Overview of SB 9
- Applicable Areas
- Two-Unit Developments
- Urban Lot Splits (subdivisions)
- Urban Lot Splits AND Two-Unit Developments
- Summary
- Guidance, Next Steps
- Turner Center Analysis



OVERVIEW

Senate Bill 9, effective January 1, 2022

- Amends California Planning Law to require ministerial approval of two-unit developments on qualifying single-family parcels
- Amends Subdivision Map Act to require ministerial approval of certain subdivisions (“urban lot splits”) on qualifying single-family parcels



APPLICABLE AREAS

- SB 9 applies in all single-family zoning districts within a designated “urbanized area” or “urban cluster,” as defined by the U.S. Census Bureau
 - Includes essentially all unincorporated County east of Hwy 280
 - Relevant zoning districts are R-1, RH, RE, and R-1/CCP
- All areas of North Fair Oaks zoned **R-1** are included



TWO-UNIT DEVELOPMENT

- Ministerial approval of two-unit developments on eligible single-family parcels
- Two-unit development:
 - Proposed development can result in no more than two new units
 - Development can be one additional unit on parcels with one existing unit (appears to include parcels w/ primary residence and existing ADU)



TWO-UNIT DEVELOPMENT – ELIGIBLE PARCELS

- Single-family zoning, urbanized area or urban cluster
- Project site is not a historic landmark, or in a historic district
- Project site does not contain prime agricultural land, various sensitive habitats, or subject to a conservation easement
- Project would not alter or demolish deed-restricted affordable housing, rent controlled housing, housing withdrawn from the rental market in the last 15 years, or housing occupied by a tenant in the past 3 years



TWO-UNIT DEVELOPMENT –STANDARDS AND REQUIREMENTS

- Projects remain subject to zoning, subdivision, and design standards, but only if standards are objective (no subjective judgement)
- Standards may not physically preclude construction of two units of at least 800 square feet, except:
 - Law states that 4-foot side and rear setbacks can be required, even if they preclude two 800 sq. ft. units
- No setbacks are required if existing structure is rebuilt in same location



TWO-UNIT DEVELOPMENT –STANDARDS AND REQUIREMENTS

- Can require only one parking space per unit
- No parking required if project is within a half-mile walking distance of high-quality transit corridor or major transit stop, or one block of car share vehicle location
- Proposed units cannot be used for short-term (less than 30 day) rental
- Connected units cannot be prohibited if they comply with building code



TWO-UNIT DEVELOPMENT – STANDARDS AND REQUIREMENTS

- No hearings; review and approval at staff level only
- Project may be denied if building official makes written finding, based on preponderance of the evidence, that it would have specific, adverse impact on public health and safety or physical environment and there is no feasible method to mitigate or avoid the impact
 - By law, “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete



URBAN LOT SPLITS

Ministerial approval of subdivisions of one lot into two lots, meeting certain requirements

Eligible parcels same as two-unit development:

- Single-family zoning, urbanized area or cluster
- Not a historic landmark, or in historic district
- Does not contain prime ag land, sensitive habitats, or subject to conservation easement
- Would not alter or demolish deed-restricted affordable housing, rent controlled housing, housing withdrawn from the rental market in the last 15 years, or housing occupied by a tenant in the past 3 years



URBAN LOT SPLITS – STANDARDS AND REQUIREMENTS

- Split must result in two roughly equal lots (60-40 maximum differential)
- Each resulting lot must be at least 1,200 square feet
- Lot to be split cannot have been created through prior SB 9 lot split (lots can only be split via SB 9 once)
- Neither the owner nor “any person acting in concert with the owner” can have previously subdivided an adjacent parcel through an SB 9 lot split
 - (intended to preclude large-scale splits by professional developers)



URBAN LOT SPLITS – STANDARDS AND REQUIREMENTS

- Units created on new lots may be used for residential purposes only
- Applicant must sign affidavit stating that applicant “intends to occupy” one of the resulting housing units as principal residence for at least 3 years from date of approval of the lot split, unless applicant is land trust or qualified non-profit
 - (also intended to preclude large-scale professional development)
- No other owner occupancy requirements
- Resulting units cannot be used for short-term (less than 30 day) rental



URBAN LOT SPLITS – STANDARDS AND REQUIREMENTS

- Can require only one parking space per unit
- No parking required if project is within a half-mile walking distance of high-quality transit corridor or major transit stop, or one block of car share vehicle location



URBAN LOT SPLITS – STANDARDS AND REQUIREMENTS

- Projects on split lots remain subject to zoning, subdivision, and design standards, but only objective standards
- No hearings; review and approval at staff level only
- Project may be denied if building official makes written finding, based on preponderance of the evidence, that it would have specific, adverse impact on public health and safety or physical environment and there is no feasible method to mitigate or avoid the impact.



URBAN LOT SPLITS AND TWO-UNIT DEVELOPMENT

- Parcels created through SB 9 lot splits cannot be split again using SB 9
- HOWEVER, parcels created by urban lot split can subsequently be developed with two-unit development per SB 9
- Potentially, one single-family residential parcel can result in four units
 - Local jurisdiction are not required to permit more than two units max on parcels using both urban lot split and two-unit development provisions, including ADUs and JADUs



SUMMARY, IMPLICATIONS

- Planning Commission and Board of Supervisors will not review SB 9 subdivisions or developments; North Fair Oaks Community Council will also not review these projects
- Design review (if any) will be limited to a subset of existing standards, unless/until updated
- Number of potential projects and impacts is unclear

WHAT DOES SB 9 DO?

SB 9 MAKES IT EASIER TO:

BUILD UP TO 4 HOMES
ON A PARCEL IN A SINGLE-FAMILY ZONE



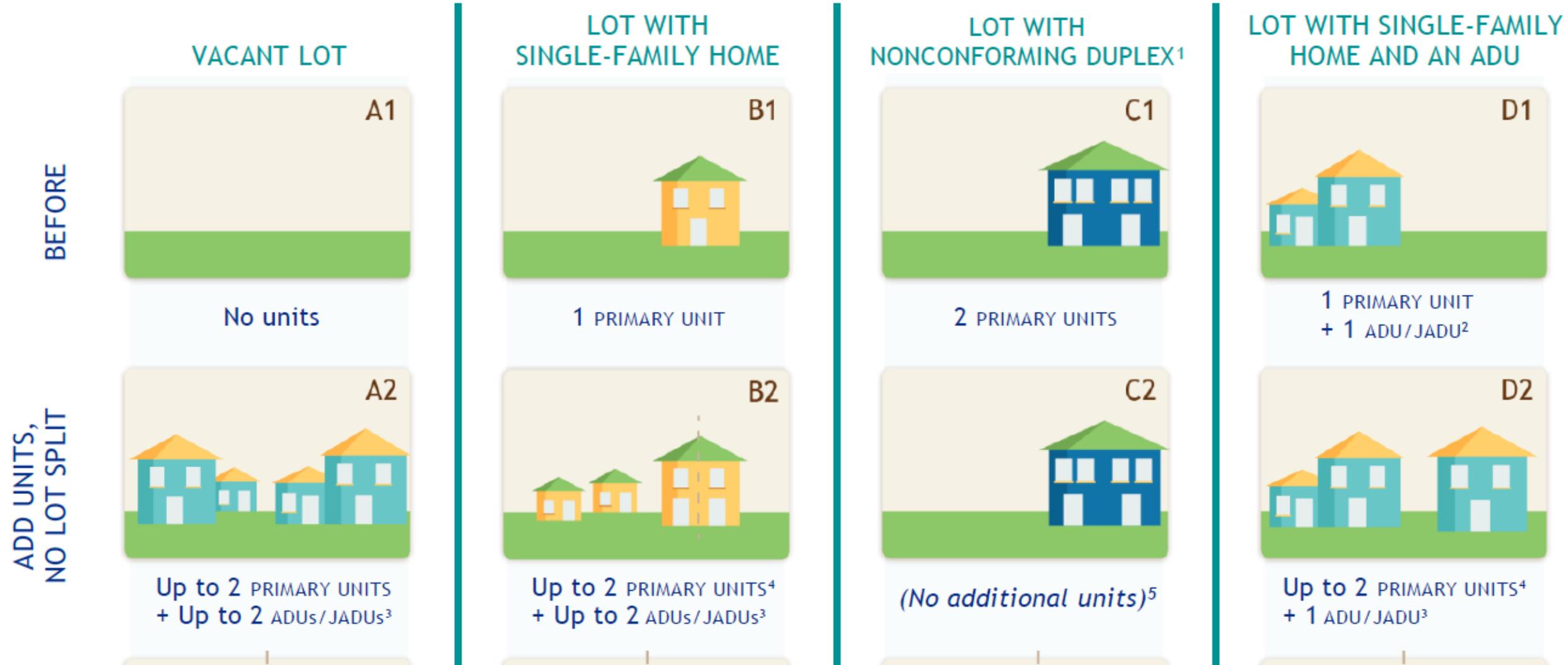
SUBDIVIDE A LOT INTO TWO
THAT CAN BE SMALLER THAN REQ. MIN. SIZE

Used together, this allows **4 HOMES** where 1 was primary home was allowed before.
SB 9 makes this easier by waiving public hearings for the two actions.

WHAT CAN I DO ON MY LOT?

Add new homes to existing parcel • Divide existing house into multiple units • Divide parcel and add homes

*Illustrations are based on a preliminary analysis of the law. Details are subject to change and are for informational purposes only.
See the following page for qualification details and limitations.*

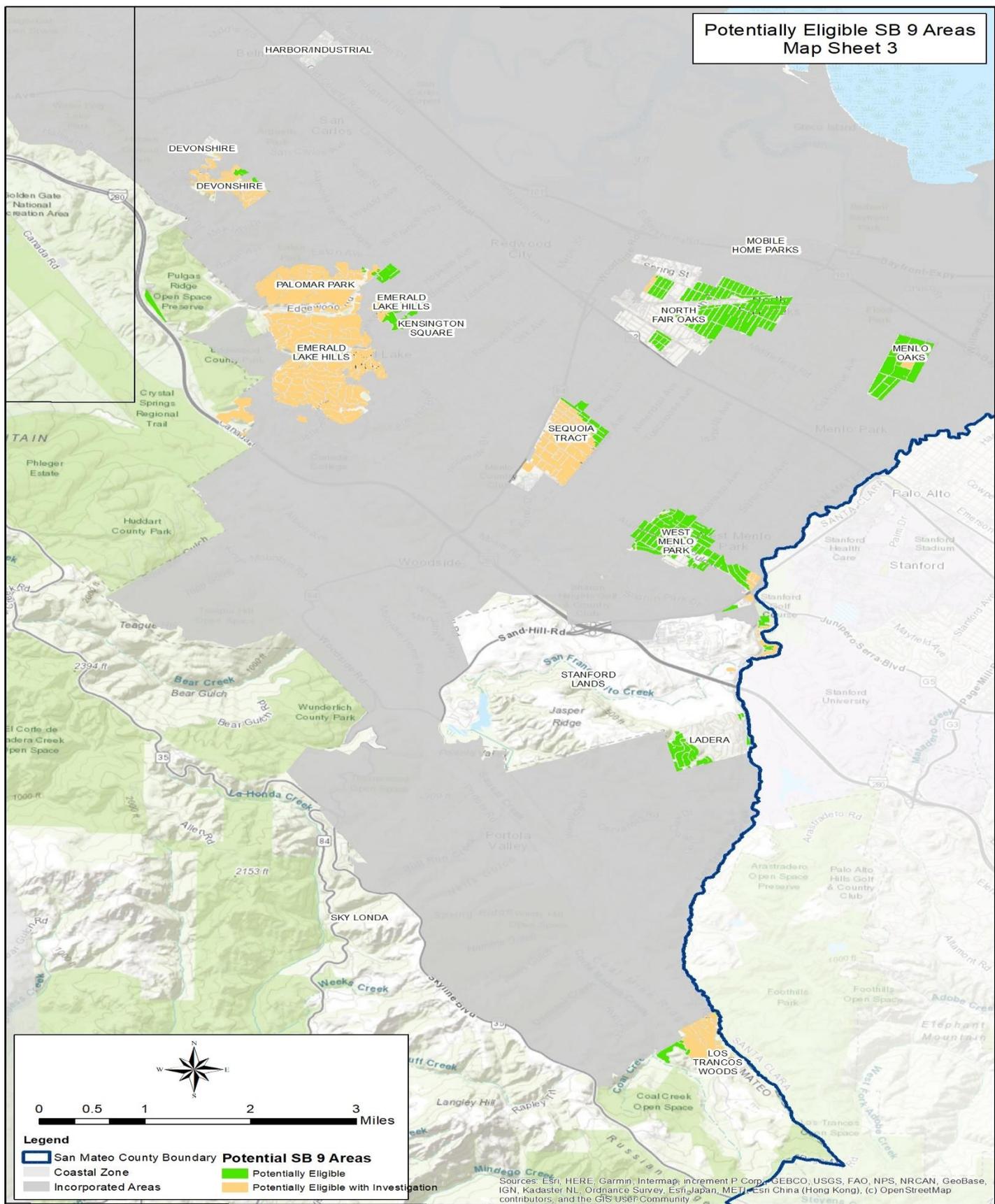




GUIDANCE AND NEXT STEPS

- SB 9 Mapping Tool
<https://smcmaps.maps.arcgis.com/apps/webappviewer/index.html?id=55d03b795c264025aa5b2bf51601cdcb>
- Applicant Checklist
<https://planning.smcgov.org/sites/planning.smcgov.org/files/press-release/files/SB%209%20Eligibility%20and%20Application%20Checklist.pdf>
- Website Guidance <https://planning.smcgov.org/press-release/senate-bill-9-summary>
- County can adopt implementing ordinance, but is not required
 - Will evaluate impacts to determine need

Potentially Eligible SB 9 Areas
Map Sheet 3



Legend

- San Mateo County Boundary
- Incorporated Areas
- Potentially Eligible
- Potentially Eligible with Investigation

Potential SB 9 Areas

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community





TERNER CENTER ANALYSIS

- <https://turnercenter.berkeley.edu/wp-content/uploads/2021/07/SB-9-Brief-July-2021-Final.pdf>
- Assesses potential impact of SB 9 statewide
- Examines all SFR-zoned parcels, and analyzes financial feasibility of development
- Conclusion: only roughly 10% of theoretically developable parcels are financially feasible
- However, Turner analysis provides no jurisdiction-level data for San Mateo County or any smaller geographies

SB 9 Potential Eligibility – North Fair Oaks

