

SB 9 Ordinance Community Meeting

In-Person and Zoom
September 28, 2022



**CITY OF
CUPERTINO**

Introductions

Planning Staff

- Piu Ghosh, Planning Manager
- Emi Sugiyama, Assistant Planner
- Danielle Condit, Associate Planner
- Phillip Truong, Assistant Planner

Agenda

- **California Senate Bill 9 (SB 9)**
- **Urgency/Interim Ordinance 21-2235**
- **Objective Standards**
- **Regular Ordinance**
- **Next Steps**
- **Q & A**

Poll Example

Polls

ADDIE

1. Which does 'ADDIE' stand for?

Analyse, Develop, Design, Implement, Evaluate

Analyse, Design, Develop, Implement, Evaluate

Analyse, Design, Develop, Interpret, Evaluate

Analyse, Develop, Design, Interpret, Evaluate

Submit

Introductions - Poll

Which of the following best describes you?

(select all that apply)

- a. I am a resident of Cupertino
- b. I work/study in Cupertino
- c. I own a business in Cupertino
- d. I own property in Cupertino
- e. I am/represent a developer
- f. Other

Introductions - Poll

Have you heard of SB 9 before?

- a. Yes
- b. No

Introductions - Poll

What brings you to this meeting?

- a. To learn more about SB 9 in general
- b. To learn about the City's new ordinance
- c. To have my questions about SB 9 answered
- d. Other



State Law Overview

Legislature passed on September 1, 2021

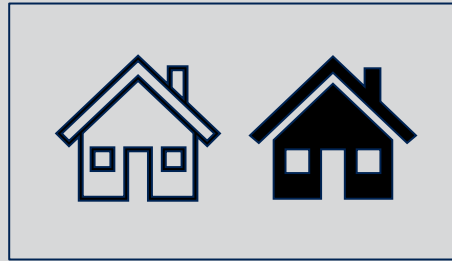
Signed into law on September 16, 2021

Went into effect on January 1, 2022

State Law Overview

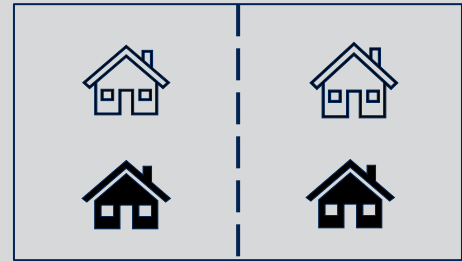
Senate Bill 9 (Atkins, 2021) conditionally allows ministerial approval of both:

Option 1



Two units on one
Single Family lot

Option 2

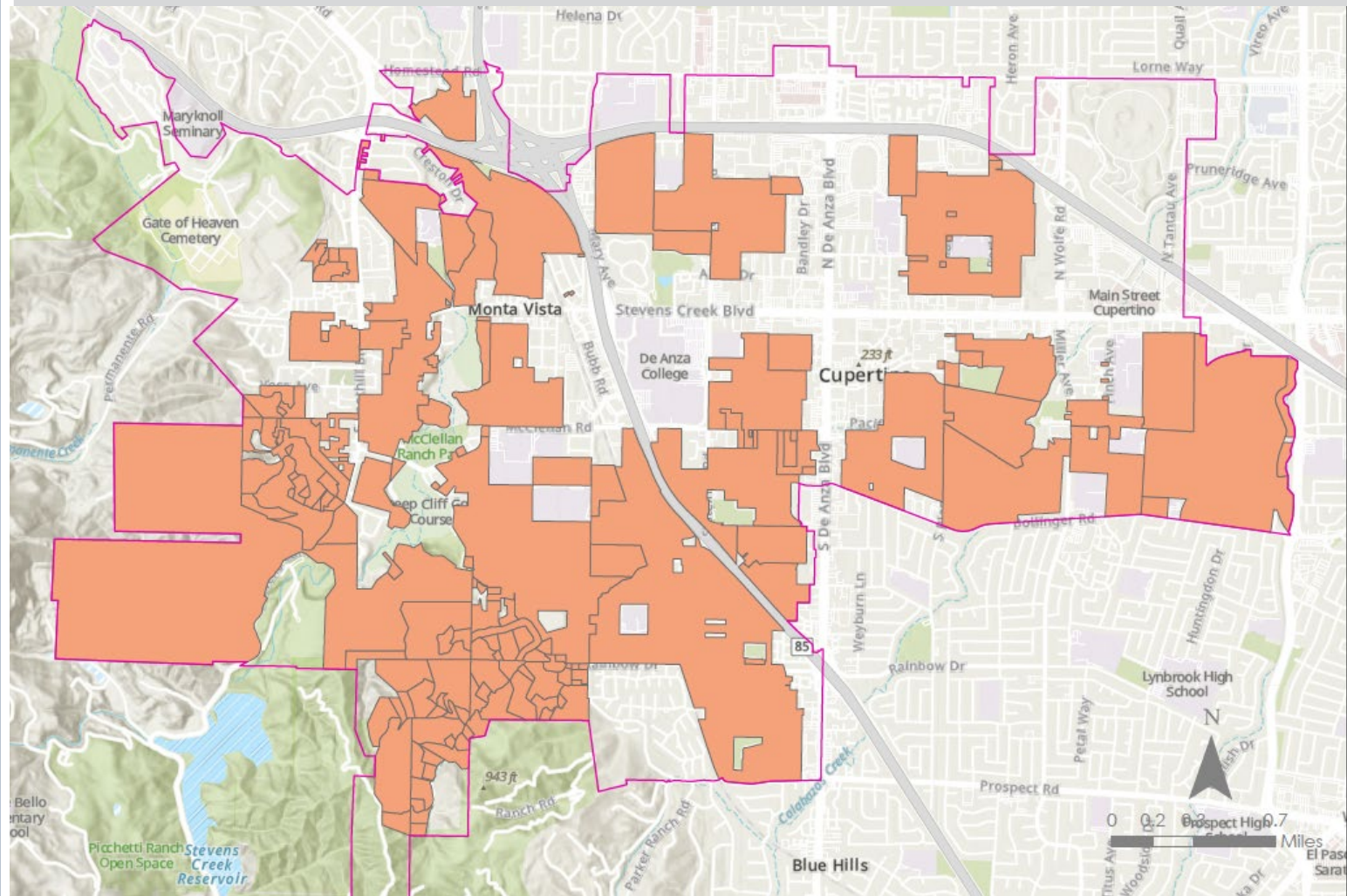


Urban Lot Split –
Two-lot subdivision

State Law Overview

Development Criteria:

- In Single Family zoning
- Cannot demolish affordable or rental housing
- Not in sensitive areas identified under SB 35
- Not a historic landmark or in historic district
- No short-term rentals permitted



State Law Overview

Additional Urban Lot Split Criteria:

- Must reside on one lot for at least three years
- Resulting lots must be 1,200 square feet min.
- Resulting lot area must be 40% of original lot
- SB 9 lot split can only be used once
- SB 9 lot split cannot be used by same owner across neighboring lots
- Lots created must be limited to residential use

State Law Overview

Development Allowances:

- Unit Size - 800 square feet minimum
- Setback – 4 feet
 - No setback if built within existing structure footprint
- One parking space per unit

Urban Lot Split Allowances:

- No off-site improvements required
- Non-conforming zoning conditions can remain

Typical Development

A typical R1 zoned lot can be developed with one residence, one ADU, and one JADU.

- Floor area is limited to 45% of the lot size
- Height is limited to 28 feet
- First story setbacks are 20 feet in front, 5 to 10 feet on the sides, and 20 feet in the rear.

Typical Development

LOT WITH
SINGLE-FAMILY HOME



1 unit

LOT WITH SINGLE-FAMILY
HOME, AN ADU AND A JADU



1 unit
+ 1 JADU & + 1 ADU

SB 9 Development

A typical R1 zoned lot can be developed under SB 9 with...

- Two residences
- One ADU
- One JADU

SB 9 Development



*Up to 2 units
+1 ADU & +1 JADUs*



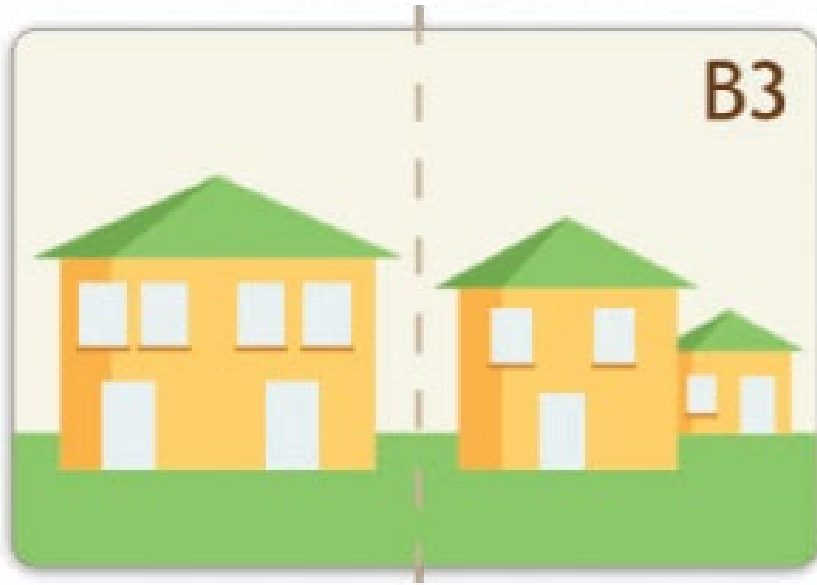
Can add 1 addtl. unit

SB 9 Lot Splits

A typical R1 zoned lot can be split into two lots and each lot can have two units.

ADUs count as units in this case.

SB 9 Lot Splits



Up to 4 total units

Interim Ordinance - Poll

Have you heard of the City's Interim Ordinance to address SB 9 before?

- a. Yes
- b. No
- c. Somewhat

Interim Ordinance 21-2235

- Adopted December 21, 2021
- Put local standards in place prior to effective date of SB 9
- Expires at the end of the year

Ordinance Aims

Objective standards have been adopted to:

1. Preserve neighborhood character;
2. Maintain privacy protection;
3. Minimize traffic conflicts; and
4. Protect environmental resources.

Concerns - Poll

Which area of concern do you think is *most* important to address through the ordinance?

- a. Potential privacy impacts
- b. Potential changes to the neighborhood character
- c. Potential traffic concerns
- d. Other

Opportunities- Poll

Which of these opportunities do you think is *most* important to address through the ordinance?

- a. Potential for more affordable housing
- b. Potential for various types of housing
- c. Potential for more streamlined development
- d. Other



Objective Standards

State law supersedes certain City regulations for subdivisions and development standards.

City may impose regulations that are:

- Objective (*no personal judgement*)
- Do not prevent Urban Lot Splits or two 800 sq. ft. units

Ordinance Standards

Some of the City's objective standards include:

1. Unit size and floor area ratio requirements
2. Basement, condo, and balcony disallowance
3. Design standards
4. Lot configuration requirements
5. Private outdoor space requirement
6. Grading limitations

Development Size

City's objective standards limit the allowable floor area to 45% of the lot area.

Additionally, living space is limited to 2,000 square feet for units developed under SB 9.

Development Size - Poll

Do you think SB 9 units should have a maximum square footage limit?

- a. Yes, it should be no more than 2,000 s.f.
- b. Yes, but it should be less than 2,000 s.f.
- c. Yes, but it should be more than 2,000 s.f.
- d. No, no limit should be applied

Basements - Poll

Do you think the City should allow basements in SB 9 development?

- a. Yes, basements should be allowed
- b. Yes, but only when further than 10 feet from another property
- c. No, basements should not be allowed

Condominium Conversion - Poll

Do you think the City should SB 9 units to be converted to condos?

- a. Yes, condo conversion should be allowed
- b. Yes, but only in some cases
- c. No, condo conversion should not be allowed

Balconies

Current standards do not allow SB 9 units to have balconies or similar features unless added after construction and reviewed under a discretionary permit.

Balconies



Balconies



Balconies - Poll

Do you think balconies should be allowed with development under SB 9?

- a. Yes
- b. Yes, but only if located more than 25 feet from another home
- c. No, they should not be allowed
- d. No, but they can be approved later

Design Standards

The objective standards include design standards to aid in making development more compatible with the neighborhood.

These include:

- Window and door design requirements
- Architectural feature requirements
- Privacy planting requirements

Design Standards - Poll

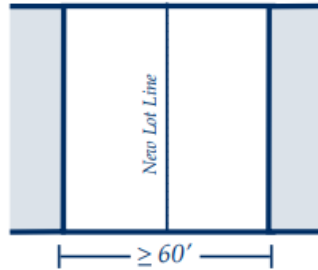
Do you think the City should impose design requirements on SB 9 development?

- a. Yes.
- b. Yes, but it should only be to address privacy
- c. No.
- d. Other

Flag Lots

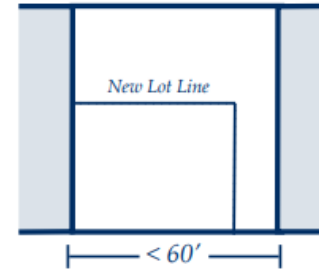
The City currently requires a standard interior lot can be divided as follows:

Interior Lot with Street Frontage $\geq 60'$



Resulting lots must have a street frontage that is between 40 and 60% of the lot width of the lot being subdivided.

Interior Lot with Street Frontage $< 60'$



One of the resulting lots shall be a flag lot with access to the street.

Flag Lots- Poll

Should larger lots be able to create flag lots?

- a. Yes
- b. Yes, but only if the lot deeper than 145 feet
- c. No, they should not be allowed
- d. Not sure

A decorative blue geometric pattern consisting of various shapes like triangles and circles, arranged in a radial or sunburst-like pattern, located on the left side of the slide.

Grading Limitations

The City currently limits the amount of change a person can make to elevation of their lot.

Limit added to avoid potential privacy, aesthetic, and environmental impacts.

Grading Limitations



Grading Limitations



Grading Limitations



Grading Limitations - Poll

Should the City impose grading limitations?

- a. Yes.
- b. Yes, but only to limit an increase in elevation.
- c. Yes, but only to limit a decrease in grade.
- d. No.
- e. Not sure.

Ordinance Updates

- Minor changes in the new regular ordinance.
 - Slightly modified standards
 - Additional clarity
 - Expanded definitions
- Planning Commission will review October 11th



Next Steps

Planning Commission

Tuesday, October 11, 2022

City Council

Tuesday, November 1, 2022 *(tentative)*



Q & A