Implementing SB 9: Analysis & Recommendations

April 8, 2025

Study Session

Background

- **2021**: SB 9 signed into law, allowing subdivision of single-family parcels with up to four dwelling units
- **2022**: City adopted its SB 9 ordinance
- **2022**: City and HCD corresponded on compliance; HCD found ordinance too restrictive.
- City agreed to amend zoning code and conduct constraints analysis
- **2023**: zoning code amended; consultant hired to prepare constraints analysis.

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Summary

- No SB 9 applications or permits received
- Very few SB 9 units statewide
- ADUs are very popular
- Consultant identified 10 provisions that create “governmental constraints”
- Recommends revising the ordinance

Challenges

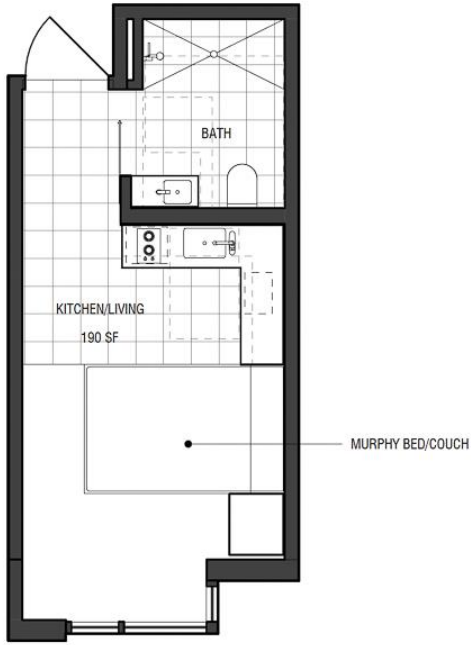
- Existing lot sizes/configurations make development difficult
- ADUs are preferred due to fewer restrictions
- Homeowners are unaware of SB 9 benefits
- Ongoing lawsuits challenge SB 9's applicability

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Constraints & Recommendations

Remove Minimum Unit Size

- Eliminate the 500 sq. ft. minimum size requirement
- Allow units to be permitted by the building code (190 sq. ft.)



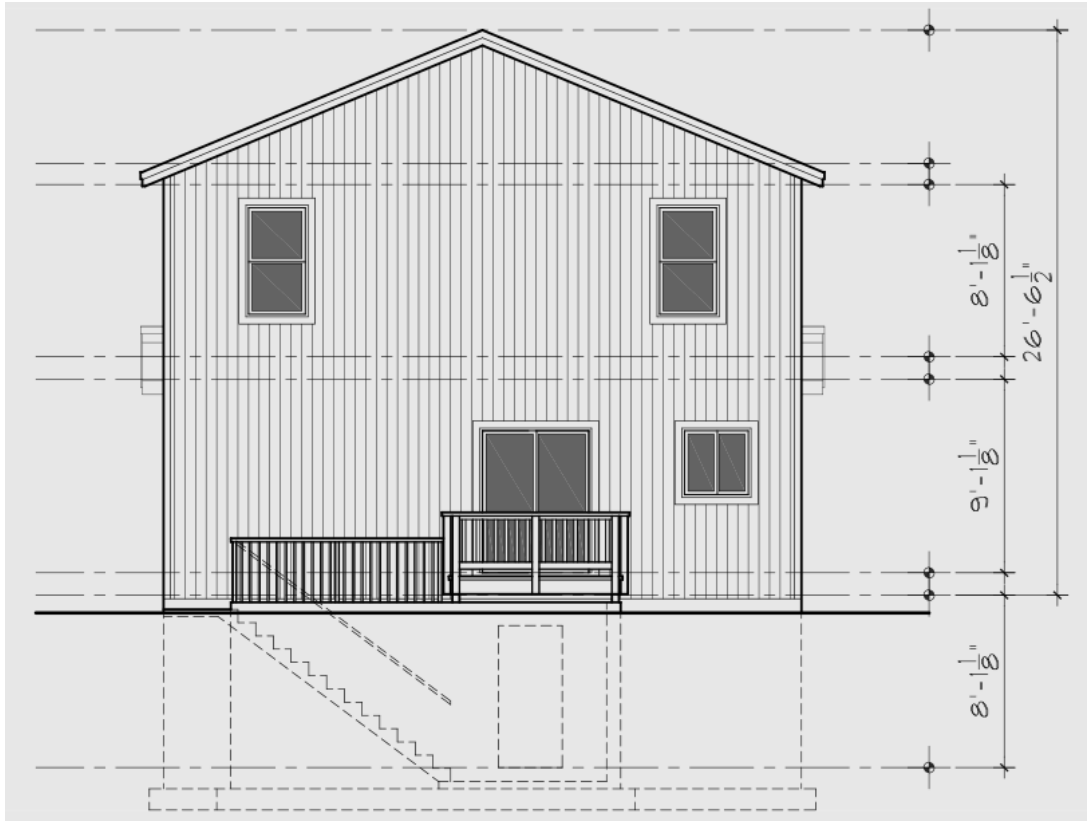
A
A24
ENLARGED - TYPICAL UNIT
1/4" = 1'-0"



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Eliminate Subterranean Third-Floor Requirement

- Remove requirement that third floor must be fully subterranean
- Align height regulations with state law



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Allow On-Site Parking

- On-site parking is currently prohibited
- Existing parking must be removed
- Not eligible for overnight parking

- Remove requirement to eliminate driveways and overnight parking permit restrictions
- Define appropriate on-site parking standards

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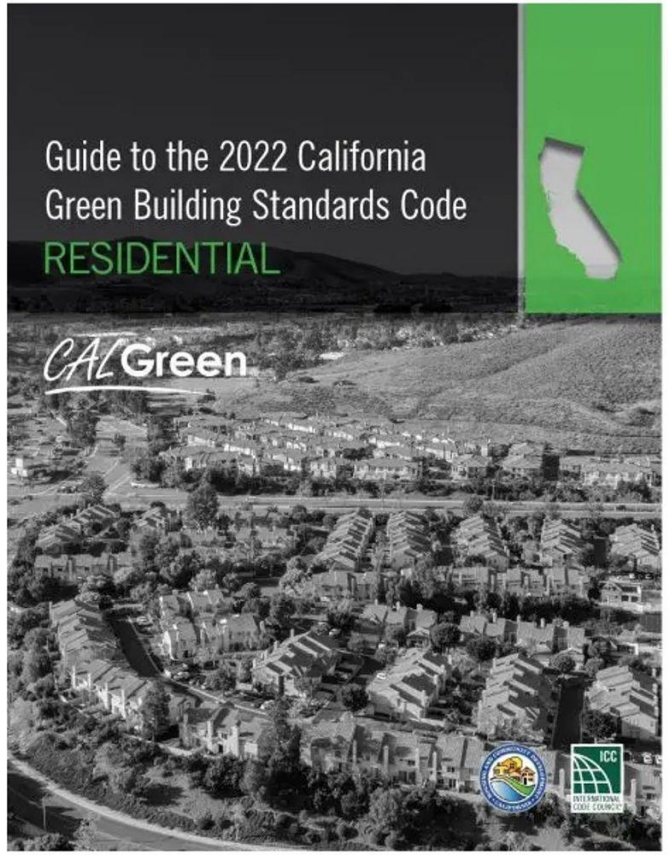
Remove Affordability Mandate

- Must be occupied by low or very low-income households
- Eliminate 30-year affordability requirement
- Consider incentives rather than mandates for affordable housing

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Remove LEED Platinum Certification

- Eliminate requirement for LEED Platinum certification
- Rely on CALGreen Code for sustainable building standards



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Restrict Appeals to Denied Applications

- Current code says decision can be appealed
- SB-9 projects are ministerial
- Only allow appeals in cases where the application is denied
- Prevent unnecessary delays due to third-party appeals

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Allow ADUs in Urban Lot Splits

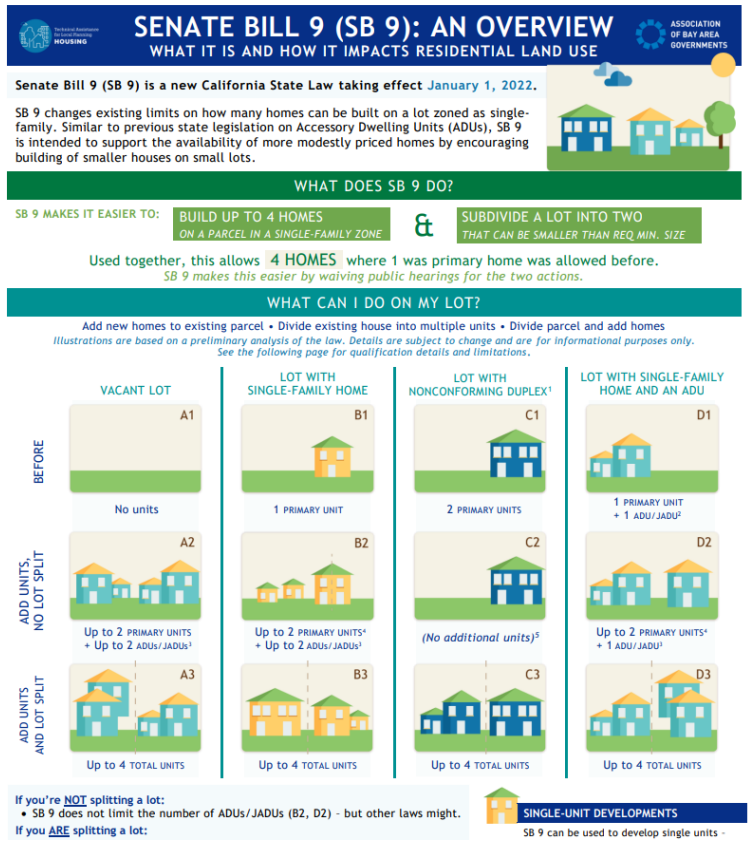
- Clarify language to be consistent with ADU rules
- Max 2 units per resultant parcel, ADUs included
- Max 4 units on original parcel

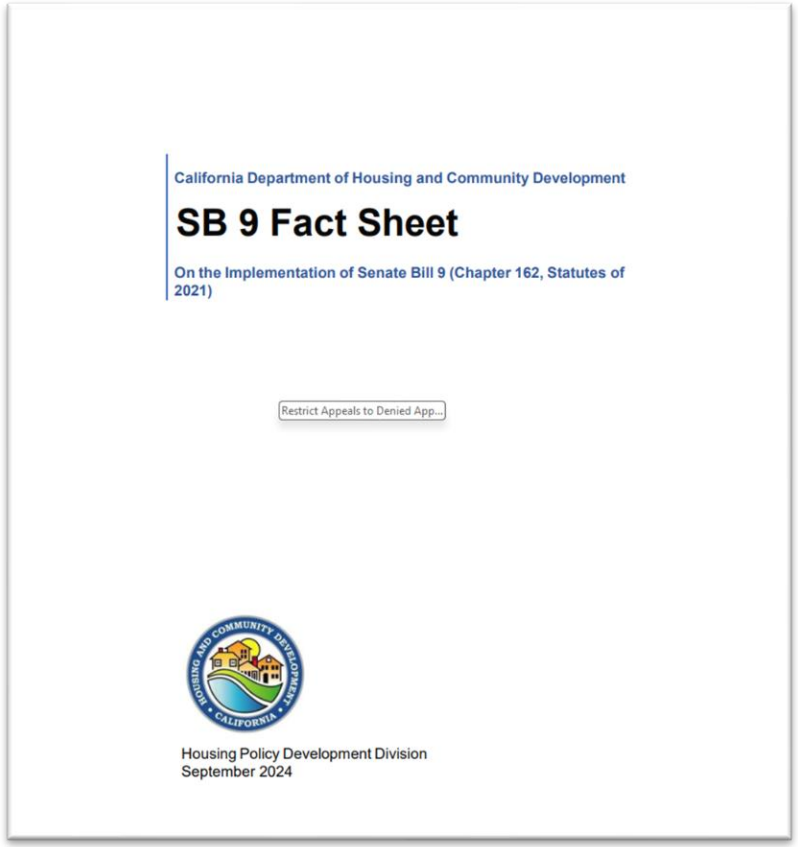


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Simplify SB 9 Handouts

- Update informational materials with graphics and clearer language
- Ensure homeowners understand their development options





Provide Staff Training

- Train City staff on SB 9 implementation and ordinance changes
- Ensure consistent application of new standards and procedures

Next Steps

- Present Constraints Analysis to City Council
- Submit Constraints Analysis to HCD
- Amend City's ordinance to align with state requirements

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