



## Planning & Transportation Commission Staff Report

**From: Jonathan Lait, Planning and Development Services Director**  
**Lead Department: Planning and Development Services**

**Meeting Date: February 8, 2023**

### TITLE

Recommendation on a Permanent Ordinance Amending Titles 18 and 21 to Implement State Housing Legislation from the 2021 Legislative Session, Including SB 9. Environmental Analysis: Exempt from Environmental Analysis under CEQA Guidelines Section 15061(b)(3) and Government Code Sections 66411.7(n) and 65852.21(j).

### RECOMMENDATION

Staff recommends that the Planning and Transportation Commission recommend that the City Council adopt the attached permanent ordinance implementing state housing legislation from the 2021 legislative session, including SB 9 (aka Government Code Section 65852.21).

### BACKGROUND

On December 6, 2021, Council adopted an urgency ordinance responding to state housing legislation from the 2021 legislative session, including SB 9. SB 9 required the City to ministerially approve the creation of up to four housing units on a single-family lot. The Council simultaneously adopted a set of detailed standards for development under SB 9. The December 6<sup>th</sup> staff reports, <sup>[1]</sup> presentation, <sup>[2]</sup> minutes, <sup>[3]</sup> and video <sup>[4]</sup> are available online. The Council also considered a nearly identical interim ordinance on December 6, 2021, but continued its review to January 10, 2022, with direction to include a 15% affordable housing in-lieu fee to “for sale” units and existing residential impacts fees for rental units, and to view additional analysis of the impacts of these fees.

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<sup>1</sup> Links to 12/6 CMR <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/12-december/20211206/20211206pccsm-amended-linked.pdf> and at-places memo <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/12-december/20211206/20211206apmccsm-item-9.pdf>

<sup>2</sup> Link to presentation: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/item-presentations/2021/20211206/item-9-sb-9-presentation-12-06-21-final.pdf>

<sup>3</sup> Link to action minutes: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/12-december/20211206/20211206amccs.pdf>

<sup>4</sup> Link to video: <https://www.youtube.com/watch?v=caR9FCHKob8>

Council adopted interim ordinance no. 5542 on the consent calendar January 10, 2022, with a second reading on January 24, 2022. The January 10<sup>th</sup> staff report<sup>[5]</sup> and meeting minutes<sup>[6]</sup> are available online.

Council adopted interim ordinance no. 5546 on March 21, 2022, with a second reading on April 11, 2022. The March 21<sup>st</sup> staff reports, presentation, minutes, and video are available [online](#). This ordinance clarified some items in ordinance no. 5542 and authorized the Department of Public Works to adopt additional standards for off-site improvements. The Council simultaneously adopted standards relating to lot design for lot splits under SB 9 ([see Attachments B and C](#)).

In general, the interim ordinances are largely restatements of SB 9's basic requirements, while the detailed standards represent Palo Alto's exercise of local regulatory authority.

Because the state law became effective on January 1, 2022, staff did not have time to consult the Architectural Review Board (ARB) or Planning and Transportation Commission (PTC) before presenting the detailed standards or ordinances for Council adoption. Staff intended to bring these ordinances and standards to the ARB and PTC later in 2022, but resource constraints have delayed this effort. In order to facilitate more timely action, staff is seeking a PTC recommendation on adoption of permanent ordinances, which simply set forth the basic framework of SB 9, to be followed by a more detailed discussion of SB 9 standards by the ARB and PTC at a later date.

## ANALYSIS

Palo Alto Municipal Code section 18.80.090 permits the City Council to adopt temporary changes to Title 18 without prior review by the PTC when it determines that such change "is necessary for the public health, safety or welfare." This is the process that the City Council followed in adopting interim ordinance nos. 5542 and 5546. As a result of a clerical error, however, these ordinances did not include a sunset date. Nonetheless, staff recommend adopting permanent ordinances in a reasonably timely manner. It has been approximately one year since interim ordinance nos. 5542 and 5546 became effective.

As explained above, the ordinances themselves do not involve significant issues of local policy; they generally set forth the basics of development authorized by SB 9. The standards adopted by the City Council involve more substantive issues that will be of interest to the ARB and PTC. These standards are not presented for discussion as part of this agenda item and will be scheduled for a later date.

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<sup>5</sup> Link to 1/10/22 CMR <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220110/20220110pccsm-linked-updated.pdf>

<sup>6</sup> Link to 1/10/22 action minutes: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220110/20220110amccs.pdf>

**STAKEHOLDER ENGAGEMENT**

To date, only one urban lot split project has been reviewed and is ready to submit for a building permit. Five additional urban lot splits are in the inquiry or preliminary discussion phases. Three SB9 projects with no associated urban lot split have been through reviews and are now in the building permit process. One additional non-split SB9 project is in the inquiry or preliminary discussion phase. Staff is alerting these current and potential applicants that the Planning and Transportation Commission is reviewing the draft permanent ordinance.

Additional recent outreach regarding the PTC's consideration of permanent ordinances includes notification to a local architect group and a planned presentation to the Architectural Review Board this Spring. These focus on the SB9 Standards (Attachments B and C) Council previously adopted. Modifications to the SB9 Standards can be accomplished outside the process timeline for modifying these ordinances.

**ENVIRONMENTAL REVIEW**

The City Council finds that this Ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) for the following reasons. Under Government Code Sections 66411.7(n) and 65852.21(j), an ordinance adopted to implement the requirements of SB 9 shall not be considered a project under CEQA. Additional sections of this ordinance implementing SB 478 are exempt pursuant to Section 15061 of the State CEQA Guidelines because they simply reflect pre-emptive state law that became effective January 1, 2022. This ordinance continues the 'status quo' and it therefore can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

**ATTACHMENTS**

Attachment A: Permanent SB 9 and SB 478 Ordinance

Attachment B: Council Adopted Objective Standards (IR Crosswalk) for SB9 Development

Attachment C: Urban Lot Split Objective Standards

**AUTHOR/TITLE:**

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Report #: 2301-0898

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Ordinance No. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Modifying Chapters 16.65 (Citywide Affordable Housing Requirements), 18.10 (Low-Density Residential, RE, R-2, and RMD Districts), 18.12 (R-1 Single-Family Residential District), 18.13 (Multiple Family Residential, RM20, RM30, RM40), 18.16 (Commercial Districts, CN, CC, CS), 18.18 (Downtown Commercial, CD-C, CD-S, CD-N), 18.40 (General Standards and Exceptions), and 18.42 (Standard for Special Uses) of Title 18 (Zoning) and Adding Chapter 21.10 (Parcel Maps for Urban Lot Splits) of the Palo Alto Municipal Code to Implement Recent State Housing Bills

The Council of the City of Palo Alto ORDAINS as follows:

**SECTION 1.** Findings and declarations. The City Council finds and declares as follows:

- A. On September 16, 2021, Governor Newsom signed into law Senate Bill 9 (SB 9), which requires, among other things, that local agencies ministerially approve both two-unit construction and urban lot splits on single-family zoned lots.
- B. SB 9 authorizes the creation of lots as small as 1,200 square feet, and requires approval of two residential units of at least 800 square feet (for a total of 1,600 square feet) each on such lots. This represents a significant departure from existing minimum lot sizes and development standards in Palo Alto's single-family zones.
- C. The increased density and intensity of development authorized by SB 9 has the potential to negatively impact privacy, access for emergency vehicles, and aesthetics of residential neighborhoods. In addition, the ministerial review required by SB 9 could result in the unintentional loss of historic resources in Palo Alto's single family zones.
- D. SB 9 authorizes local jurisdictions to apply objective zoning standards, objective subdivision standards, and objective design standards, subject to certain limitations in statute.
- E. On September 16, 2021, Governor Newsom signed into law Senate Bill 478 (SB 478), which requires, among other things, that local agencies provide specified minimum floor area ratios for housing development projects containing 3 to 10 dwelling units.
- F. On January 24, 2022 and April 11, 2022, the City Council adopted interim ordinance nos. 5542 and 5546 to address SB 9 and SB 478. Following a recommendation by the Planning and Transportation Commission on February 8, 2023, the City Council now seeks to adopt a permanent ordinance.

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**SECTION 2.** With the exceptions of Sections 16, 17, 19 and 21, and 23, which were added in their entirety by interim ordinance no. 5542, this ordinance is formatted to show amendments to the Palo Alto Municipal Code as it would read if interim ordinances 5542 and 5546 were to expire. Additions from this baseline are shown in underline, and deletions are shown in ~~strike-through~~; large portions of text that are unchanged may be omitted through use of ellipses.

**SECTION 3.** Section 18.10.020 (Applicable Regulations) of Chapter 18.10 (Low-Density Residential (RE, R-2 and RMD) Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.10.020 Applicable Regulations**

The specific regulations of this chapter and the additional regulations and procedures established by Chapters 18.52 to 18.80 inclusive shall apply to all low-density residential districts. Such regulations shall apply to construction of two units on an RE-zoned lot pursuant to California Government Code Section 65852.21 (SB 9, 2021), except as modified by Section 18.42.180.

**SECTION 4.** Section 18.10.030 (Land Uses) of Chapter 18.10 (Low-Density Residential (RE, R-2 and RMD) Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.10.030 Land Uses**

Table 1 shows the permitted and conditionally permitted uses for the low-density residential districts.

**TABLE 1**

**PERMITTED AND CONDITIONALLY PERMITTED LOW-DENSITY RESIDENTIAL USES**

[P = Permitted Use -- CUP = Conditional Use Permit Required]

	RE	R-2	RMD	Subject to Regulations in:
[. . .]	[. . .]	[. . .]	[. . .]	[. . .]
RESIDENTIAL USES				
Single-Family	P	P	P	
Two-Family use, under one ownership	<u>P (4)</u>	P	P	
Mobile Homes	P	P	P	18.42.100
Residential Care Homes	P	P	P	
[. . .]	[. . .]	[. . .]	[. . .]	[. . .]
P = Permitted Use		CUP = Conditional Use Permit Required		
<u>Footnotes:</u>				

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(1) **Sale of Agricultural Products:** No permanent commercial structures for the sale or processing of agricultural products are permitted.

(2) **Accessory Dwelling Units in R-2 and RMD Zones:** An accessory dwelling unit or a Junior Accessory Dwelling Unit associated with a single-family residence on a lot in the R-2 or RMD zones is permitted, subject to the provisions of Section 18.42.040, and such that no more than two units result on the lot.

(3) **Bed and Breakfast Inns:** Bed and breakfast inns are limited to no more than 4 units (including the owner/resident's unit) in the RMD district.

(4) **Two Unit Development Pursuant to California Government Code Section 65852.21 (SB 9, 2021):** Construction of two units is permitted on an RE-zoned lot, subject to the regulations in Section 18.42.180.

**SECTION 5.** Section 18.10.040 (Development Standards) of Chapter 18.10 (Low-Density Residential (RE, R-2 and RMD) Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.10.040 Development Standards**

(a) Site Specifications, Building Size, Height and Bulk, and Residential Density

The development standards for the low-density residential districts are shown in Table 2:

**TABLE 2  
LOW-DENSITY RESIDENTIAL DEVELOPMENT STANDARDS**

	R-E (6)	R-2	RMD	Subject to Regulations in:
[. . .]	[. . .]	[. . .]	[. . .]	[. . .]

**Footnotes:**

(1) **Minimum Lot Size:** Any lot less than the minimum lot size may be used in accordance with the provisions of Chapter 18.40.

(2) **R-2 Floodzone Heights:** Provided, in a special flood hazard area as defined in Chapter 16.52, the maximum heights are increased by one-half of the increase in elevation required to reach base flood elevation, up to a maximum building height of 33 feet.

(3) **R-2 Floodzone Daylight Plane:** Provided, if the site is in a special flood hazard area and is entitled to an increase in the maximum height, the heights for the daylight planes shall be adjusted by the same amount.

(4) **Exemption from Floor Area for Covered Parking Required for Two-Family Uses:** In the R-2 and RMD districts, for two-family uses, floor area limits may be exceeded by a maximum of two hundred square feet, for purposes of providing one required covered parking space.

(5) **Maximum House Size:** The gross floor area of attached garages and attached accessory dwelling units and junior accessory dwelling units are included in the calculation of maximum house size. If there is no garage attached to the house, then the square footage of one

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detached covered parking space shall be included in the calculation. This provision applies only to single-family residences, not to duplexes allowed in the R-2 and RMD districts.

**(6) Two Unit Development Pursuant to California Government Code Section 65852.21 (SB 9, 2021):** Construction of two units on an RE-zoned lot shall be subject to the development standards in this Section 18.10.040, except as modified by Section 18.42.180.

[. . .]

**SECTION 6.** Table 3 (PARKING REQUIREMENTS FOR R-E, R-2 AND RMD USES) of Section 18.10.060 (Parking) of Chapter 18.10 (Low-Density Residential (RE, R-2 and RMD) Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

[. . .]

**TABLE 3  
PARKING REQUIREMENTS FOR R-E, R-2 AND RMD USES**

Use	Minimum Off-Street Parking Requirement
Single-family residential use (excluding accessory dwelling units)	2 spaces per unit, of which one must be covered.
<u>Two family in the RE district, pursuant to California Government Code Section 65852.21 (SB 9, 2021)</u>	<u>1 space per unit. No spaces required if located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, or located within one block of a car share vehicle.</u>
Two family (R2 & RMD districts)	3 spaces total, of which at least two must be covered
Accessory dwelling unit, attached or detached:	No parking required
Junior accessory dwelling unit	No parking required
Other Uses	See <u>Chapter 18.40</u>

[. . .]

**SECTION 7.** Section 18.10.070 (Accessory and Junior Accessory Dwelling Units) of Chapter 18.10 (Low-Density Residential (RE, R-2 and RMD) Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.10.070 Accessory and Junior Accessory Dwelling Units**

Accessory Dwelling Units and Junior Accessory Dwelling Units are subject to the regulations set forth in Chapter 18.09 Section 18.42.040.

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**SECTION 8.** Section 18.12.020 (Applicable Regulations) of Chapter 18.12 (R-1 Single Family Residential District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.12.020 Applicable Regulations**

The specific regulations of this chapter and the additional regulations and procedures established by Chapters 18.52 to 18.80 inclusive shall apply to the R-1 district including the R-1 subdistricts. Such regulations shall apply to construction of two units on an R1-zoned lot pursuant to California Government Code Section 65852.21 (SB 9), except as modified by Section 18.42.180.

**SECTION 9.** Section 18.12.030 (Land Uses) of Chapter 18.12 (R-1 Single Family Residential District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.12.030 Land Uses**

The permitted and conditionally permitted uses for the single family residential districts are shown in Table 1:

**Table 1**

**PERMITTED AND CONDITIONAL R-1 RESIDENTIAL USES**

	R-1 and all R-1 Subdistricts	Subject to Regulations in:
[. . .]	[. . .]	[. . .]
RESIDENTIAL USES		
Single-Family	P	
<u>Two-Family use, under one ownership</u>	<u>P</u>	<u>18.42.180</u>
Mobile Homes	P	18.42.100
Residential Care Homes	P	
[. . .]	[. . .]	[. . .]
P = Permitted Use		CUP = Conditional Use Permit Required

**SECTION 10.** Section 18.12.040 (Site Development Standards) of Chapter 18.12 (R-1 Single Family Residential District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.12.040 Site Development Standards**

(a) Site Specifications, Building Size, Height and Bulk, and Residential Density

The development standards for the R-1 district and the R-1 subdistricts are shown in Table 2, except to the extent such standards may be modified by Section 18.42.180 for two-family uses pursuant to California Government Code Section 65852.21 (SB 9, 2021):



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[. . .]

**SECTION 11.** Section 18.12.060 (Parking) of Chapter 18.12 (R-1 Single Family Residential District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.12.060 Parking**

Off-street parking and loading facilities shall be required for all permitted and conditional uses in accord with Chapters 18.52 and 18.54 of this title. The following parking requirements apply in the R- 1 districts. These requirements are included for reference purposes only, and in the event of a conflict between this Section 18.12.060 and any requirement of Chapters 18.52 and 18.54, Chapters 18.52 and 18.54 shall apply, except in the case of parcels created pursuant to Section 18.10.140(c) (subdivision incentive for historic preservation).

(a) Parking Requirements for Specific Uses

Table 4 shows the minimum off-street automobile parking requirements for specific uses within the R-1 district.

<b>Table 4</b>	
<b>Parking Requirements for Specific R-1 Uses</b>	
<b>Use</b>	<b>Minimum Off-Street Parking Requirement</b>
Single-family residential use (excluding accessory dwelling units)	2 spaces per unit, of which one must be covered.
<u>Two family use pursuant to California Government Code Section 65852.21 (SB 9, 2021)</u>	<u>1 space per unit. No spaces required if located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, or located within one block of a car share vehicle.</u>
Accessory dwelling unit, attached or detached	No parking required
Junior accessory dwelling unit	No parking required
Other Uses	See Chs. 18.52 and 18.54

[. . .]

**SECTION 12.** Section 18.12.070 (Accessory and Junior Accessory Dwelling Units) of Chapter 18.12 (R-1 Single Family Residential District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.12.070 Accessory and Junior Accessory Dwelling Units**

Accessory Dwelling Units and Junior Accessory Dwelling Units are subject to the regulations set forth in Chapter 18.09 Section 18.42.040.

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**SECTION 13.** Section 18.40.160 (Replacement Project or Discretionary Review Required) of Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.40.160 Replacement Project or Discretionary Review Required**

(a) No permit required under Title 2 (Administrative Code), Title 12 (Public Works and Utilities), or Title 16 (Building Regulations) shall be issued for demolition or deconstruction of a single family residence or duplex in the Low-Density Residential District (Chapter 18.10) or Single Family Residential District (Chapter 18.12), ~~except for deconstruction pursuant to Section 16.14.130 or~~ where necessary for health and safety purposes (as determined by the City's Building Official), unless building permit plans for a replacement project have been approved. This subsection shall also apply to demolition of a single family residence or duplex in the Multiple Family Residential District (Chapter 18.13) when the replacement project does not require discretionary review.

(b) No permit required under Title 2 (Administrative Code), Title 12 (Public Works and Utilities), or Title 16 (Building Regulations) shall be issued for any project requiring discretionary review under Title 18 or Title 21, unless the application for discretionary review has been approved.

**SECTION 14.** Section 18.52.020 (Definitions) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.52.020 Definitions**

For purposes of this chapter:

[. . .]

(h) "Within one block of a car share vehicle" means within 600 feet of a parking space permanently reserved for use by a car share vehicle.

~~(h)~~(i) Definitions for other parking-related terms can be found in Section 18.04.030(a) (Definitions), including "Parking as a principal use," "Parking facility," and "Parking space."

**SECTION 15.** Table 1 (Minimum Off-Street Parking Requirements of Section 18.52.040 (Off-Street Parking, Loading, and Bicycle Facility Requirements) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.52.040 Off-Street Parking, Loading and Bicycle Facility Requirements**

[. . .]

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**Table 1**  
**Minimum Off-Street Parking Requirements**

Use	Vehicle Parking Requirement (# of spaces)	Bicycle Parking Requirement	
		Spaces	Class <sup>1</sup> Long Term (LT) and Short Term (ST)
<b>RESIDENTIAL USES</b>			
[. . .]	[. . .]	[. . .]	[. . .]
<b>Two-Family Residential</b> (R-2 & RMD Districts)	1.5 spaces per unit, of which at least one space per unit must be covered Tandem Parking Allowed, with one tandem space per unit, associated directly with another parking space for the same unit	1 space per unit	100% - LT
<u>(R-1 and RE Districts, pursuant to Section 18.42.180)</u>	<u>At least one space per unit. No spaces required if the unit is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, as defined in California Public Resources Code Sections 21155 and 21064.3 respectively, or located within one block of a car share vehicle.</u>	<u>1 space per unit</u>	100% - LT
[. . .]	[. . .]	[. . .]	[. . .]

[. . .]

**SECTION 16.** Section 18.42.180 (Standards for Two Units on Single Family Zoned Lots Pursuant to Senate Bill 9) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning) of the Palo Alto Municipal Code is added to read as follows:

**18.42.180 Standards for Two Units on Single Family Zoned Lots Pursuant to Senate Bill 9.**

(a) **Purpose.** This section sets forth special regulations applicable to the construction of two dwelling units on single family lots in the R-1 (and R-1 subdistricts) and R-E zone districts, pursuant to California Government Code Sections 65852.21 and 66411.7 (SB 9, 2021). In the event of a conflict between the provisions of this section and the generally applicable regulations of Chapters 18.10, 18.12, and 18.52-18.80, inclusive, the provisions of this section shall prevail.

(b) **Definitions.** As used in this section:

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- (1) “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety or physical environmental standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse, impact.
- (2) “Sufficient to allow separate conveyance” means the two dwelling units constitute clearly defined, separate, and independent housekeeping units without interior access points to the other dwelling unit.
- (3) “Two dwelling units” means the development proposes two new units on a vacant lot or proposes to add one new unit to one existing unit on a lot. This does not include the development of a single dwelling unit on a vacant lot.
- (4) “Unit” means any dwelling unit, including, but not limited to a primary dwelling unit, an accessory dwelling unit, or a junior accessory dwelling unit.

(c) **Applicability.** When an application is submitted that includes both (1) the construction of two dwelling units under this section and (2) other redevelopment work that is not integral to creation of a new dwelling unit and would generally require discretionary review, only the portions required for construction of dwelling units shall be reviewed ministerially. In addition, this section shall not apply in any of the following circumstances:

- (1) Parcels described California Government Code Section 65913.4, subdivisions (a)(6)(B) through (a)(6)(K) inclusive. Such parcels include, for example, parcels located in wetlands, in very high fire severity zones (unless the site has adopted certain fire hazard mitigation measures), and in special flood hazard areas or regulatory floodways (unless the site meets certain federal requirements for development).
- (2) Parcels on which an owner of residential real property has exercised the owner’s rights under state law to withdraw accommodations from rent or lease within the past 15 years.
- (3) The development would require alteration or demolition of any of the following types of housing
  - (A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  - (B) Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
  - (C) Housing that has been occupied by a tenant in the last three years.
- (4) The development would result in the demolition of more than 25 percent of the existing exterior structural walls of a site that has been occupied by a tenant in the last three years.
- (5) The development is located within a historic district or property included on the State Historic Resources Inventory, as defined in California Public Resources Code Section 5020.1, or within a site that is designated or listed on the City’s historic inventory.

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- (6) The building official finds that the development would have a specific, adverse impact on public health and safety or the physical environment that cannot be feasibly mitigated or avoided.

**(d) Application Process.**

- (1) The Director is authorized to promulgate regulations, forms, and/or checklists setting forth application requirements for the development of dwelling units under this section.
- (2) The City shall ministerially approve or disapprove an application pursuant to this section.

**(e) Development Standards.**

- (1) A project proposing two dwelling units on a parcel in the R-1 or RE districts shall be subject to the development standards set forth in Chapters 18.12 and 18.10, respectively except as provided herein.
- (2) All construction pursuant to this section shall comply with objective design standards adopted by the City Council. However, an applicant seeking to deviate from the objective design standards (except to the extent necessary to construct a unit of 800 square feet) may elect to submit an application under the base requirements of Chapters 18.10, or 18.12, including, if applicable, Single Family Individual Review.
- (3) If the application of any development standard or design standard would necessarily require that one or more proposed units be less than 800 square feet, such standard shall be relaxed to the minimum extent necessary to allow construction of a unit or units of at least 800 square feet. The Director may publish regulations governing the order in which objective standards shall be waived or relaxed in such circumstances.
- (4) Setbacks from side and rear property lines, including street-side property lines, shall be no less than four feet, except in the case of existing non-complying structures or structures reconstructed in the same location and to the same dimensions as an existing structure, in which case existing setbacks less than four feet may be maintained. No setback is required from an internal lot line newly created pursuant to Chapter 21.10, for adjacent or connected structures separated by the new lot line, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
- (5) Off-street parking shall be provided pursuant to Chapters 18.52 and 18.54.
- (6) In the event that a project is proposed on a site that has been subject to an Urban Lot Split under Chapter 21.10, and the project would result in three or more detached units across the two parcels created by the urban lot split, any new units shall not exceed 800 square feet.
- (7) Accessory structures, such as garages and shed are permitted consistent with the provisions of the zoning district; however, no accessory structure shall have a floor area exceeding 500 square feet.

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- (8) The Director of Public Works may promulgate standards for adjacent public improvements, such as curb cuts and sidewalks, in relation to development pursuant to this Section.

**(f) General Requirements.**

- (1) A maximum of two units may be located on any parcel that is created by an Urban Lot Split under Chapter 21.10. Accessory dwelling units and junior accessory dwelling units shall not be permitted on any such parcel already containing two units.
- (2) On parcels that are not the result of an Urban Lot Split under Chapter 21.10, accessory dwelling units may be proposed in addition to the primary dwelling unit or units, consistent with Chapter 18.09, provided, however, that ADUs associated with projects proceeding under this Section shall not receive any exemption from Floor Area Ratio except to the minimum extent required by California Government Code Section 65852.2.
- (3) A rental of any unit created pursuant to this Section shall be for a term longer than 30 consecutive days.
- (4) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.
- (5) Each unit shall have a permanent street address.
- (6) The owner and all successors in interest in the subject property shall agree to participate in any City survey of properties that have constructed dwelling units pursuant to this Section.

(g) **Effective Dates.** This section shall remain in effect until such time as Government Code Section 65852.21 is repealed or superseded or its requirements for ministerial approval of no more than two units on a single family zoned lot are materially amended, whether by legislation or initiative, at which time this section shall become null and void.

**SECTION 17.** Chapter 21.10 (Urban Lot Splits) of Title 21 (Subdivisions and Other Divisions of land) of the Palo Alto Municipal Code is added to read as follows:

**Chapter 21.10**

**PARCEL MAPS FOR URBAN LOT SPLITS IN SINGLE-FAMILY ZONES**

**Section 21.10.010 Purpose**

**Section 21.10.020 Definitions**

**Section 21.10.030 Applicability**

**Section 21.10.040 General Requirements**

**Section 21.10.050 Application and Review of an Urban Lot Split**

**Section 21.10.060 Effective dates**

\*NOT YET APPROVED\*

### **Section 21.10.010 Purpose**

This chapter sets forth special regulations applicable to the subdivision of a single family lot in the R-1 district (and R-1 subdistricts) or R-E district into two new lots, pursuant to California Government Code Section 66411.7 (SB 9, 2021).

### **Section 21.10.020 Definitions**

As used in this chapter:

- (a) "Acting in concert" means pursuing a shared goal to split adjacent lots pursuant to an agreement or understanding, whether formal or informal.
- (b) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety or physical environmental standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse, impact.
- (c) "Unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 18.42.180, a primary dwelling unit, an accessory dwelling unit, or a junior accessory dwelling unit.
- (d) "Urban Lot Split" means the subdivision of an existing legal parcel in the R-1 district (and R-1 subdistricts) or R-E district to create no more than two new parcels of approximately equal area, pursuant to this Chapter and California Government Code Section 66411.7.

### **Section 21.10.030 Applicability**

The provisions of this chapter shall apply only to lots in the R-1 district (and R-1 subdistricts) or R-E zone district. Except as modified by this Chapter, all provisions of Title 21 shall apply to an application for urban lot split. An Urban Lot Split is not available in any of the following circumstances:

- (a) A parcel described California Government Code Section 65913.4, subdivisions (a)(6)(B) through (a)(6)(K) inclusive. Such parcels include, for example, parcels located in wetlands, in very high fire severity zones (unless the site has adopted certain fire hazard mitigation measures), and in special flood hazard areas or regulatory floodways (unless the site meets certain federal requirements for development).
- (b) A parcel on which an owner of residential real property has exercised the owner's rights under state law to withdraw accommodations from rent or lease within the past 15 years.
- (c) A parcel that was created by prior exercise of an Urban Lot Split.
- (d) A parcel adjacent to a parcel that was created by prior exercise of an Urban Lot Split by the owner, or a person acting in concert with the owner of the parcel sought to be split.
- (e) The Urban Lot Split would require alteration or demolition of any of the following types of housing
  - (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  - (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
  - (3) Housing that has been occupied by a tenant in the last three years.

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- (f) The Urban Lot Split is located within a historic district or property included on the State Historic Resources Inventory, as defined in California Public Resources Code Section 5020.1, or within a site that is designated or listed on the City's historic inventory.
- (g) The building official finds that the development would have a specific, adverse impact on public health and safety or the physical environment that cannot be feasibly mitigated or avoided.

#### **Section 21.10.040 General Requirements**

- (a) The minimum size for a parcel created by an Urban Lot Split is 1,200 square feet.
- (b) The lots created by an Urban Lot Split must be of approximately equal area, such that no resulting parcel shall be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
- (c) Where existing dwelling units on the property are to remain, no lot line may be created under this Chapter in a manner that would bisect any structure or that would result in more than two dwelling units on any resulting parcel.
- (d) Newly created lot lines shall not render an existing structure noncomplying in any respect (e.g. floor area ratio, lot coverage, parking), nor increase the degree of noncompliance of an existing noncompliant structure.
- (e) Each parcel shall comply with any objective lot design standards for Urban Lot Splits adopted by the City Council.
- (f) Utility easements shall be shown on the parcel map, and recorded prior to, or concurrent with final parcel map recordation.
- (g) A covenant necessary for maintenance of stormwater treatment facilities shall be recorded prior to, or concurrent with final map recordation.
- (h) Existing driveways to be demolished shall follow the procedure(s) in 12.08.090 Elimination of abandoned driveway.
- (i) A maintenance agreement shall be recorded to ensure shared maintenance of any shared access easements, stormwater treatment, landscaping and private utilities, prior to final parcel map recordation.

#### **Section 21.10.050 Application and Review of an Urban Lot Split**

- (a) The director of planning is authorized to promulgate regulations, forms, and/or checklists setting forth application requirements for a parcel map for an Urban Lot Split under this Chapter. An application shall include an affidavit from the property owner, signed under penalty of perjury under the laws of California, that:
  - (1) The proposed urban lot split would not require or authorize demolition or alteration of any of the housing described in Section 21.10.030, subdivision (e).
  - (2) The proposed urban lot split is not on a parcel described in Section 21.10.030.
  - (3) The owner intends to occupy one of the housing units located on a lot created by the parcel map as their principal residence for a minimum of three years from the date of the recording of the parcel map.
  - (4) The rental of any unit on the property shall be for a term longer than 30 consecutive days.
  - (5) The resulting lots will be for residential uses only.



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- (b) A parcel map for an Urban Lot Split must be prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code sections 66444 – 66450 and this Chapter. Unless more specific regulations are adopted by the director of planning, the parcel map shall be in the form and include all of the information required of a Preliminary Parcel Map by Chapter 21.12, as well as any additional information required of a Parcel Map by Chapter 21.16. In addition, the face of the Parcel Map shall contain a declaration that:
- (1) Each lot created by the parcel map shall be used solely for residential dwellings.
  - (2) That no more than two dwelling units may be permitted on each lot.
  - (3) That rental of any dwelling unit on a lot created by the parcel map shall be for a term longer than 30 consecutive days.
  - (4) A lot created by a parcel map under this Chapter shall not be further subdivided.
- (c) Upon receipt of a parcel map for an Urban Lot Split, the director of planning shall transmit copies to the city engineer, chief building official, director of utilities, chief of police, fire chief, director of transportation, and such other departments of the city, and any other agencies, as may be required by law or deemed appropriate.
- (d) The director of planning shall cause a notice of the pending application to be posted at the site of the proposed Urban Lot Split and for notice to be mailed to owners and residents of property within 600 feet of the property.
- (e) The director of planning shall ministerially review and approve a parcel map for Urban Lot Split if they determine that the parcel map application meets all requirements of this Chapter. The director of planning shall deny a parcel map application that does not meet any requirement of this Chapter.
- (f) The Director of Planning shall determine the appropriate fee required for an application for parcel map for an Urban Lot Split, which may be the fee currently established for a Preliminary Parcel Map or Parcel Map.

**Section 21.10.060 Effective Dates.**

This chapter shall remain in effect until such time as Government Code Section 66411.7 is repealed or superseded or its requirements for ministerial approval of an Urban Lot Split on a single family zoned lot are materially amended, whether by legislation or initiative, at which time this chapter shall become null and void.

**SECTION 18.** Section 18.13.040 (Development Standards) of Chapter 18.13 (Multiple Family Residential (RM-20, RM-30 and RM-40) Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**18.13.040 Development Standards**

(a) Site Specifications, Building Size and Bulk, and Residential Density

[. . .]

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Table 2  
Multiple Family Residential Development Table

	RM-20	RM-30	RM-40	Subject to regulations in:
[...]	[...]	[...]	[...]	[...]
Maximum Floor Area Ratio (FAR) <sup>(4)</sup>	0.5:1	0.6:1	1.0:1	<u>18.13.045</u>
[...]	[...]	[...]	[...]	[...]

**SECTION 19.** Section 18.13.045 (Increased Floor Area for Housing Developments of 3-10 Units) of Chapter 18.13 (Multiple Family Residential (RM-20, RM-30 and RM-40) Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is added to read as follows:

**18.13.045 Increased Floor Area for Housing Developments of 3-10 Units**

- (a) A housing development project, as defined in California Government Code Section 65589.5, that is in an RM-20, RM-30 or RM-40 District shall be allowed to increase its floor area ratio as follows:
- (i) A housing development project of three to seven units shall have a maximum floor area ratio of 1.0:1.
  - (ii) A housing development project of eight to ten units shall have a maximum floor area ratio of 1.25:1.
- (b) This section shall not apply within a historic district or property included on the State Historic Resources Inventory, as defined in California Public Resources Code Section 5020.1, or within a site that is designated or listed on the City's historic inventory.

**SECTION 20.** Section 18.16.060 (Development Standards) of Chapter 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS)) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**(a) Exclusively Non-Residential Uses**

[...]

**(b) Mixed Use and Residential**

Table 4 specifies the development standards for new residential mixed use developments and residential developments. These developments shall be designed and constructed in compliance with the following requirements and the context-based design criteria outlined in Section 18.16.090, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and development services, pursuant to Section 18.76.020.

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**Table 4**  
**Mixed Use and Residential Development Standards**

	CN	CC	CC(2)	CS	Subject to regulations in Section
[...]	[...]	[...]	[...]	[...]	[...]
Maximum Residential Floor Area Ratio (FAR)	0.5:1 (4)	See sub-section (e) below	0.6:1	0.6:1	<u>18.16.065</u>
Maximum Nonresidential Floor Area Ratio (FAR)	0.4:1		2.0:1	0.4:1	
Total Mixed Use Floor Area Ratio (FAR)	0.9:1 (4)		2.0:1	1.0:1	<u>18.16.065</u>
[...]	[...]	[...]	[...]	[...]	[...]

[...]

**SECTION 21.** Section 18.16.065 (Increased Floor Area for Housing Developments of 3-10 Units) of Chapter 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS)) of Title 18 (Zoning) of the Palo Alto Municipal Code is added to read as follows:

**18.16.065 Increased Floor Area for Housing Developments of 3-10 Units**

- (a) A housing development project as defined in paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code of the State of California that is in a CN, CC or CS District shall be allowed to increase its floor area ratio as follows:
- (i) A housing development project of three to seven units shall have a maximum floor area ratio of 1.0:1.
  - (ii) A housing development project of eight to ten units shall have a maximum floor area ratio of 1.25:1.
- (b) This bonus shall not apply within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code of the State of California, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- (c) For mixed use development, total mixed use floor area ratio shall be increased to the extent necessary to accommodate a non-residential floor area ratio of 0.4:1 for retail and retail-like uses only.

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**SECTION 22.** Section 18.18.060 (Development Standards) of Chapter 18.18 (Downtown Commercial (CD) District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows:

**(a) Exclusively Non-Residential Use**

[. . .]

**(b) Mixed Use and Residential**

Table 3 specifies the development standards for new residential mixed use developments and residential developments. These developments shall be designed and constructed in compliance with the following requirements and the context-based design criteria outlines in Section 18.18.110, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and development services, pursuant to Section 18.76.020:

**TABLE 3  
MIXED USE AND RESIDENTIAL DEVELOPMENT STANDARDS**

	CD-C	CD-S	CD-N	Subject to regulations in Section:
[. . .]	[. . .]	[. . .]	[. . .]	[. . .]
Maximum Residential Floor Area Ratio (FAR)	1.0:1 <sup>(3)</sup>	0.6:1 <sup>(3)</sup>	0.5:1 <sup>(3)</sup>	<u>18.18.065,</u> <u>18.18.070</u>
Maximum Nonresidential Floor Area Ratio (FAR)	1.0:1 <sup>(3)</sup>	0.4:1	0.4:1	
Total Floor Area Ratio (FAR) <sup>(3)</sup>	2.0:1 <sup>(3)</sup>	1.0:1 <sup>(3)</sup>	0.9:1 <sup>(3)</sup>	<u>18.18.065,</u> <u>18.18.070</u>
[. . .]	[. . .]	[. . .]	[. . .]	[. . .]

**Footnotes:**

(1) Required usable open space: (1) may be any combination of private and common open spaces; (2) does not need to be located on the ground (but rooftop gardens are not included as open space except as provided below); (3) minimum private open space dimension 6; and (4) minimum common open space dimension 12

For CN and CS sites on El Camino Real, CS sites on San Antonio Road between Middlefield Road and East Charleston Road and CC(2) sites that do not abut a single- or two-family residential use or zoning district, rooftop gardens may qualify as usable open space and may count as up to 60% of the required usable open space for the residential component of a project. In order to qualify as usable open space, the rooftop garden shall meet the requirements set forth in Section 18.40.230.

[. . .]

(3) FAR may be increased with transfers of development, increased floor area for housing development projects with 3-10 residential units and/or bonuses for seismic and historic

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rehabilitation upgrades, not to exceed a total site FAR of 3.0:1 in the CD-C subdistrict or 2.0:1 in the CD-S or CD-N subdistrict.

[. . .]

- (5) The weighted average residential unit size shall be calculated by dividing the sum of the square footage of all units by the number of units. For example, a project with ten 800-square foot 1-bedroom units, eight 1,200-square foot 2-bedroom units, and two 1,800-square foot 3-bedroom units would have a weighted average residential unit size of  $((10 \times 800) + (8 \times 1,200) + (2 \times 1,800)) \div (10 + 8 + 2) = 1,060$  square feet.

[. . .]

**SECTION 23.** Section 18.18.065 (Increased Floor Area for Housing Developments of 3-10 Units) of Chapter 18.18 (Downtown Commercial (CD) District) of Title 18 (Zoning) of the Palo Alto Municipal Code is added to read as follows:

**18.16.065 Increased Floor Area for Housing Developments of 3-10 Units**

- (a) A housing development project as defined in paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code of the State of California that is in a CD Districts shall be allowed to increase its floor area ratio as follows:
- (i) A housing development project of three to seven units shall have a maximum residential floor area ratio of 1.0:1.
  - (ii) A housing development project of eight to ten units shall have a maximum residential floor area ratio of 1.25:1.
- (b) This bonus shall not apply within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code of the State of California, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- (c) For mixed use development in the CD-N and CD-S subdistricts, total floor area ratio shall be increased to the extent necessary to accommodate a non-residential floor area ratio of 0.4:1 for retail and retail-like uses only.
- (d) In no event shall total floor area ratio exceed 3.0:1 in the CD-C subdistrict, or 2.0:1 in the CD-N and CD-S subdistricts.

**SECTION 24.** Section 16.65.025 (Exemptions) of Chapter 16.65 (Citywide Affordable Housing Requirements) of Title 16 (Building Regulations) of the Palo Alto Municipal Code is amended to read as follows (new text underlined and deletions ~~struck through~~; omissions are noted with [. . .] for large sections of unchanged text):

**16.65.025 Exemptions.**

The following development projects are exempt from the provisions of this chapter:

- (a) Residential projects consisting of the construction of one or two units, other than accessory dwelling units and junior accessory dwelling units, unless: (1) included in a mixed use

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project, (2) constructed on a lot created by an Urban Lot Split under Chapter 21.10; or (3) resulting in a two-family use on a single-family zoned lot;

(b) Accessory dwelling units, unless: (1) constructed on a lot created by an Urban Lot Split under Chapter 21.10; or (2) the accessory dwelling unit is constructed on a single-family zoned lot containing a two-family use;

(c) Junior accessory dwelling units and, notwithstanding subsection (b), all accessory dwelling units less than 750 square feet;

[. . .]

**SECTION 25.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**SECTION 26.** The City Council finds that this Ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) for the following reasons. Under Government Code Sections 66411.7(n) and 65852.21(j), an ordinance adopted to implement the requirements of SB 9 shall not be considered a project under CEQA. Additional sections of this ordinance implementing SB 478 are exempt pursuant to Section 15061 of the State CEQA Guidelines because they simply reflect pre-emptive state law that will be effective January 1, 2022. As such, this ordinance does not reflect a change from the status quo and it therefore can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

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**SECTION 27.** This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Planning  
and Development Services

**SB-9 OBJECTIVE DESIGN STANDARDS**  
**(IR GUIDELINES CROSSWALK)**

The City’s Individual Review (IR) Program was established in 2001. The associated IR Guidelines were updated in 2005. These are intended to preserve the character of Palo Alto neighborhoods by implementing requirements relating to streetscape, massing, and privacy. These SB-9 Objective Design Guidelines are based upon these IR Guidelines, and arranged in accordance with the five (5) IR Guidelines as follows:

- GUIDELINE ONE: Site Planning: Garage, Driveway, and House
- GUIDELINE TWO: Neighborhood Compatibility for Height, Mass, and Scale
- GUIDELINE THREE: Resolution of Architectural Form, Massing, and Roof Lines
- GUIDELINE FOUR: Visual Character of Street Facing Facades and Entries
- GUIDELINE FIVE: Privacy from Second Floor Windows and Decks

Each IR Guideline is further broken down into Key Points. This document converts the existing discretionary Key Points into Objective Standards. To facilitate implementation of IR Guidelines in Eichler neighborhoods, these Standards reference information from the Eichler Neighborhood Design Guidelines adopted by Council on April 2, 2018.

Note: An SB-9 objective design standard shall not be applied if: 1) such standard would not enable two units, each having a minimum 800 square feet or 2) the maximum floor area allowed by the zoning code would not be feasible.

IR Key Point	IR Guideline Concept/ Key Point	SB-9 Objective Design Standards
1.1	DRIVEWAYS: Minimize driveway paving impacts in order to highlight yards and pedestrian entryways.	1.1A: DRIVEWAYS: One curb cut and driveway per street frontage. Shared driveways are encouraged but require an easement to which the City is a third party.  1.1B: DRIVEWAY WIDTH: 18-foot maximum driveway width (inclusive of uncovered parking) within a front or street side yard setback.  1.1C. PLANTING STRIP: A minimum two-foot wide, landscaped planting strip is required between a driveway and/or uncovered parking space and an interior lot line.



IR Key Point	IR Guideline Concept/ Key Point	SB-9 Objective Design Standards
		<p>1.1D WALKWAY SEPARATION: Walkways shall be separated from driveways by a minimum of 4 feet of landscape planting or extend sideways (that is, perpendicular) from driveway so that no additional parking or paved turnaround space is created in a front or street side yard beyond that of the maximum allowed driveway width.</p> <p>1.1F: DRIVEWAY MATERIALS: Driveway and uncovered parking surfaces that exceed 10 feet in width shall not have asphalt or grey concrete surfaces. They must have a decorative surface to blend with the landscape such pavers, brick, or colored concrete.</p>
1.2	<p><b>GARAGES &amp; CARPORTS:</b> Locate garages to be subordinate to and minimally visible, or significantly less prominent, than the house.</p>	<p>1.2A: GARAGE LOCATION: Attached or detached garages/carports must be located a minimum of 5 feet behind the forwardmost plane of the front facade or 3 feet behind the forwardmost plane of the street-side façade. The forwardmost façade plane may be a building wall or porch with posts/columns and must be at least 12 feet wide.</p> <p>1.2B: GARAGE WIDTH: An attached or detached garage/carport facing the street shall be no more than 30 percent of the total facade width facing that street, except that it may be 12 feet wide in any circumstance.</p> <p>1.2C: EICHLER TRACT GARAGES: In mapped Eichler Tracts, a garage or carport may be located forward of the front facade plane of the house so long as the garage or carport is:</p> <ul style="list-style-type: none"> <li>(a) no more than 21 feet wide,</li> <li>(b) has a roof pitch of 3:12 (slope of 3 vertical feet for every 12 horizontal feet) or less, and</li> <li>(c) has a maximum height of no more than 12 feet above existing grade.</li> </ul> <p>1.2D: DUPLEX PARKING REQUIREMENT: In the case of a duplex, when parking spaces are required, the parking space for each unit shall be a covered parking space.</p>
1.3	<p><b>SECOND FLOOR SIZE &amp; LOCATION:</b> Site planning (setbacks, yard areas, etc.) and footprint configuration (inclusive of upper</p>	<p>1.3A: SECOND FLOOR SIZE: The maximum floor area above the first-floor level:</p> <ul style="list-style-type: none"> <li>(a) shall not exceed 35 percent of total gross floor area on the lot except as noted in subsection (b) or Standard 1.3B.</li> <li>(b) shall not exceed 30 percent of the total gross floor area where an abutting lot along a side lot line has a one-story home or home with no more than 500 square feet of second floor area.</li> </ul>

IR Key Point	IR Guideline Concept/ Key Point	SB-9 Objective Design Standards
	<p>floor location/area) shall fit existing neighborhood patterns and take cues from adjacent lot conditions (see guideline examples).</p>	<p>1.3B: EICHLER TRACT SECOND FLOOR SIZE: Where a property is in a mapped Eichler Tract, and not in a single-story overlay zone, the maximum floor area of the second floor shall not exceed 25 percent of the total gross floor area on the lot.</p> <p>1.3C: FRONT SETBACK Where the contextual front yard setback does not apply, the front setback shall be no less than the average front setback of the homes on lots to either side of the subject lot. (Note: In all cases, the zoning minimum front setback or special setback would still apply.)</p> <p>1.3D: SECOND FLOOR STEPBACKS: Second floor area shall not be permitted within the standard side or rear setbacks of the underlying single family zoning district.</p> <p>1.3E. SECOND FLOOR AREA ON FLAG LOTS AND SUBSTANDARD LOTS: On flag lots (or similar lots without street frontage) and/or substandard lots, if the maximum allowed total floor area is greater than 70 percent of the buildable lot area, floor area may be placed on a second level. The maximum second floor area allowed shall be the area in excess of 70 percent of the buildable lot area or 300 square feet, whichever is greater.</p>
1.4	<p>LANDSCAPE SCREENING: Landscaped open space along interior lot lines between homes.</p>	<p>1.4A: SCREENING LANDSCAPE: Plant screening trees with a species having a typical mature height of at least 25 feet, and mature canopy width of 15 feet at a quantity of at least one per 25 linear feet along each interior lot line. Existing trees to be retained that are at least 25 feet tall and 15 feet wide may substitute for required planting on a one-to-one ratio. Three closely spaced tall screening shrubs with a mature height of at least 20 feet and mature width of at least 5 feet may be substituted for one screening tree.</p> <p>1.4B: PLANTING TYPE AND SIZE: Screening trees and shrubs shall be specified by botanical name with at least 50 percent of screening trees and shrubs being evergreen. Screening trees shall be specified and planted at 24-inch box size or larger and 8 feet height or taller. Screening shrubs shall be specified and planted at 15-gallon size or larger and 8 feet or taller.</p> <p>1.4C: PLANTING ADJACENT PUE'S: Where an easement such as a PUE exist along an interior lot line, trees are required to be planted on the same side of the easement as the building, but not within the easement.</p>

IR Key Point	IR Guideline Concept/ Key Point	SB-9 Objective Design Standards
1.5	<p><b>STEP BACKS NEXT TO SINGLE-STORY HOMES:</b> Locate an upper floor well back from the front façade and/or away from side lot lines if the home is adjacent to small or single-story homes (see guideline examples).</p>	<p><b>1.5A: CONTEXTUAL FRONT MASSING STEPBACK:</b> Where a home on an abutting lot across a side lot line is single-story or has a second-floor area less than 500 square feet, a proposed structure shall have a one-story building volume at least 15-foot wide and 15-foot deep at the front side of the house set forward of any second-floor street facing wall plane.</p> <p><b>1.5B: CONTEXTUAL SIDE MASSING STEPBACK:</b> Where a home on an abutting lot across a side lot line is single-story or has a second-floor area less than 500 square feet, each proposed structure located within 20 feet of the side lot line shall step back the upper floor from the lower floor along that side of the structure at least 7 feet for at least 50 percent of the depth of the structure.</p> <p><b>1.5C: SIDE DAYLIGHT PLANE CLEARANCE:</b> Where a home on an abutting lot across a side lot line is single-story or has a second-floor area no more than 500 square feet, the proposed structure(s) shall maintain at least 2 feet clearance from the second-floor roof edge or wall parapet to the side daylight plane as measured perpendicularly to the side daylight plane.</p> <p><b>1.5D: EICHLER TRACT SIDE DAYLIGHT PLANE CLEARANCE:</b> In mapped Eichler Tracts the clearance from any roof edge to the side daylight plane as measured perpendicularly from the daylight plane shall be at least 4 feet.</p>
1.6	<p><b>GARAGE PLACEMENT:</b> Avoid placing a second story such that it would emphasize the garage.</p>	See Standard 1.2A
2.1	<p><b>BUILDING HEIGHT/MASS:</b> Avoiding overwhelming adjacent single-story homes with large masses, monumental forms, and sharp contrasts in height. Incorporate lower height and profile and</p>	<p><b>2.1A: UPPER FLOOR FRONT FAÇADE AREA:</b> Where an abutting lot across a side lot line has a single-story home or home with no more than 500 square feet on the second floor, the front facade's visible wall area on the upper floor shall be no greater than 50 percent of the front facade's visible wall area on the first floor. Wall area includes the area defined by porches, windows, and wall surfaces under gables. On corner lots, the front facade shall be the facade at the shorter frontage.</p> <p><b>2.1B: ROOF HEIGHT FOR VARIED ROOF PITCHES:</b> Roof height shall be limited to 27 feet for roofs with pitches 9:12 or greater, 25 feet for roofs with pitches 3:12, up to 9:12, and 22 feet for roofs with pitches less than 3:12. Properties in flood zones shall be permitted to increase building height by one-half foot for each foot that the base flood elevation exceeds existing grade.</p>

IR Key Point	IR Guideline Concept/ Key Point	SB-9 Objective Design Standards
	place more area on lower floor.	2.1C: EICHLER TRACT ROOF HEIGHTS: In mapped Eichler Tracts the maximum roof height shall not exceed 22 feet, as measured from existing grade to the roof surface for a pitched roof, or 20 feet for a flat roof surface or parapet. Properties in flood zones shall be permitted to increase building height by one-half foot for each foot that the base flood elevation exceeds existing grade.
2.2	MASS REDUCTION: Managing mass and scale from high floor levels, tall wall planes and boxy forms.	<p>2.2A: FIRST FLOOR LEVEL: The finished first floor level shall not be more than 18 inches above existing grade. In Eichler Tracts, the finished first floor level shall not be more than 12 inches above existing grade. In a flood zone, the first-floor level may be set at the minimum allowed above grade to meet code requirements. For a lot removed from the flood zone due to on-site grading, the measurement shall be taken from revised grade.</p> <p>2.2B: FLOOR-TO-FLOOR HEIGHT: The height from the first finished floor to the second finished floor shall not exceed 10'-6".</p> <p>2.2C: SECOND FLOOR WALL PLATE HEIGHT: The wall plate height (i.e., interior wall height at exterior wall) on the second floor shall not exceed 9 feet for roofs with pitches 3:12 or lower; 8'-6" for roofs with pitches greater than 3:12 up to 9:12; and 8 feet for roofs with pitches 9:12 or greater.</p> <p>2.2D: PARAPET HEIGHT: Parapets shall not exceed 1 foot above the roof surface over second floor roofs.</p>
2.3	ROOF EDGE HEIGHT CONTRAST TO NEIGHBOR: Limiting height contrast of adjacent roofs, including single story roof edges.	<p>2.3A: CONTEXTUAL FIRST FLOOR EAVE HEIGHT: The height of the first floor's street facing roof edges (i.e., eaves or parapets) shall not exceed 18 inches above the average height of the first-floor eave or parapet of the homes on the abutting lots at side lot lines as measured at those homes' eaves nearest the subject lot. This first-floor roof edge height limit shall also extend 15 feet back from the building corner. This standard shall be 24 inches within a flood zone if either of the abutting homes' first-floor level does not meet current flood zone regulations. This standard applies to the eave side of pitch roof forms and not the rake side such as at a gable.</p> <p>2.3B: CONTEXTUAL SECOND FLOOR EAVE HEIGHT: The height of the upper floor's street facing roof edge (eave or parapet) shall not exceed 18 inches above either:</p> <ul style="list-style-type: none"> <li>(a) the average height of the upper floor street facing eave or roof edge of homes to each side, or</li> <li>(b) in the case of only one home having a second floor, the height of that home's eaves.</li> </ul>

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2.4	FLOOR AREA WITHIN ROOF VOLUME: Place 2nd story floor area within the first-floor roof's volume to mitigate height, mass, and scale.	See Standard 1.3
2.5	MASSING PLACEMENT: Locate smaller volumes in front of large volumes and use roof pitches and forms to manage perceived height.	<p>2.5A: SINGLE-STORY BUILDING FORMS: At least one single-story building form (excluding garages) with dimensions no greater than 16 feet in height, no less than 8 feet in depth, and no less than 12 feet in width shall be placed on each street facing building side. Location shall be either:</p> <ul style="list-style-type: none"> <li>(a) fully forward of the second floor's wall face, or</li> <li>(b) partially forward or aligned with the second floor's wall face if the one-story form is at a building corner.</li> </ul> <p>2.5B: Within mapped Eichler Tracts, garages may serve as the form in Standard 2.5A, and no roof pitch shall exceed 3:12. (See Standard 3.2C).</p>
2.6	WALL HEIGHT/ATTIC SPACE: Avoiding tall wall heights and large unused attic spaces.	<p>2.6A: ATTIC HEIGHT: Unused attic spaces shall not exceed 5 feet in height.</p> <p>2.6B: EXTERIOR WALL HEIGHT: No exterior wall shall exceed 22 feet in height as measured from existing grade to the eave or parapet. Portions of walls under rakes such as at gables or shed roof forms may exceed this height.</p>
3.1	GARAGE AND ENTRY HEIGHT & MASS: The building's massing and roof forms should reduce mass and resolve building form with garage and entry forms subordinate in	<p>3.1A: GARAGE HEIGHT AND MASS: Maximum height of a roof over an attached garage shall not exceed 15 feet in height as measure from existing grade. The maximum garage wall plate height shall not exceed 10 feet.</p> <p>3.1B: ENTRY HEIGHT: Exterior entry forms shall not exceed 12 feet in height as measured from existing grade.</p>

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	scale to the principal building forms.	
3.2	CONSISTENT ROOF FORMS & PITCHES: Use consistent forms, roof pitches, and overhangs that are also based on a recognizable architectural style.	<p>3.2A: ROOF FORM VARIATION: No more than two types of roof forms shall be used (examples of two forms are hip and gable roofs or shed and flat roofs).</p> <p>3.2B: ROOF PITCH VARIATION: No more than two roof pitches shall be used (e.g., 4:12 and 12:12; 6:12 and flat).</p> <p>3.2C: ROOFLINES IN EICHLER TRACTS: In mapped Eichler Tracts rooflines shall meet the following:</p> <ul style="list-style-type: none"> <li>(a) roof pitches no more than 3:12,</li> <li>(b) gable, shed, butterfly or flat roof forms (note: hip roofs with flat roofs at eaves permitted; see Illustration 1D of the IR guidelines for example), and</li> <li>(c) 2-foot minimum overhangs at eave and rake sides of roof forms for at least 50 percent of roof edges.</li> </ul>
3.3	ROOF FORMS: Organized roof geometry with well-spaced primary and secondary forms and integrated roof forms on additions.	<p>3.3A: INCOMPLETE ROOF FORMS: Truncated hip and gable roof forms shall not be permitted at second floor roofs on two-story structures or roofs at single story structures.</p> <p>Note: A truncated roof form is where the roof planes do not extend to a ridgeline; rather they terminate with a flat roof or roof well.</p>
3.4	UNCLUTTERED MASSING: Avoid cluttered massing by using a few simple, well- proportioned forms.	<p>3.4A: GABLE ROOF FORMS: No more than three gable forms on an elevation facing a public street.</p> <p>3.4B: BAY WINDOWS: No more than two bay windows on an elevation facing a public street.</p>
3.5	ROOF PITCH NEXT TO 1-STORY HOMES: Use roof layout, ridge orientation, roof pitch,	3.5A: CONTEXTUAL ROOF PITCH: On properties adjacent to single story homes along either interior side lot line, roof pitches on new two-story buildings shall be 6:12 or lower.

IR Key Point	IR Guideline Concept/ Key Point	SB-9 Objective Design Standards
	eave height offsets and extensions, and horizontal roof lines to reduce mass and enhance form.	
4.1	<p><b>FAÇADE FOCAL POINTS:</b> Facades should have unified visual character with architectural focal points (other than a garage) on each street side. Corner lot elevations should be equally well designed on both facades.</p>	<p>4.1A: FAÇADE VISUAL FOCAL POINT: Each street facing building elevation shall have a significant visual focal point, defined as either:</p> <ul style="list-style-type: none"> <li>(a) at least 50 square feet of glazing in a large window, multi-panel window or glazed door, or bay window form, or</li> <li>(b) a roofed or trellised porch at least 6 feet deep and 8 feet wide and no more than 12 feet tall.</li> </ul>
4.2	<p><b>FAÇADE COMPOSITON:</b> Façades should be composed with attention to line, order/alignment of openings, proportion of windows and forms, hierarchy and spacing of focal points.</p>	<p>4.2A: WINDOW ALIGNMENT: Windows on two-story wall planes that face a street shall be aligned vertically unless there is a change in exterior materials from the lower floor to the upper floor.</p> <p>4.2B: FAÇADE ELEMENT SPACING: Focal points such as porches, large/featured windows, and bay windows shall be spaced at least 5 feet horizontally apart from each other when placed on the same level/floor.</p>
4.3	<p><b>MATERIALS &amp; DETAILING:</b> Architectural character/interest and supportive use architectural detailing and materials.</p>	<p>4.3A: WINDOW TO WALL DETAILING: Window frames shall be recessed at least 2 inches from the exterior wall face or have trim at least 3.5 inches wide on all four window sides. Stucco over foam shall not be used as window trim.</p> <p>4.3B: WINDOW PATTERNS: Window fenestration with divided lite appearance shall have exterior applied muntin bars (i.e., true or simulated divided lites).</p>

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		<p>4.3C: STUCCO TEXTURE: When stucco is used it shall be steel-troweled ‘Smooth’ or ‘Santa Barbara’ texture as described in the Technical Services Information Bureau, Chapter 5 - Plaster Textures &amp; Acrylic Finishes (2011). For additions, stucco texture on the addition shall be allowed to match the stucco texture of the existing house.</p> <p>4.3D: EXTERIOR MATERIALS IN EICHLER TRACTS: In mapped Eichler Tracts, exterior wall cladding shall be vertical board channel or flush siding, wood tongue and groove board siding, wood nickel-gap siding, smooth fiber cement panels, or metal panels. Board-form concrete, concrete block, or stucco may be used as a secondary material but collectively these materials shall not account for more than 30 percent of all non-glazed wall surfaces.</p>
4.4	<p>ENTRY TYPES: Avoid monumental or over-scaled entries that stand out on the house do not meet the prevalent pattern of entry scale or entry type such as porch or courtyard in the neighborhood.</p>	<p>4.4A: CONTEXTUAL PORCH ENTRIES: If porches (i.e. roofed, street-facing porches with posts/column(s) and more than 3 feet deep), occur on at least 50 percent of homes on the block of the subject lot (counting only homes on the subject lot side of the street), the proposed house shall include a street-facing porch no less than 6 feet deep and 8 feet wide.</p> <p>4.4B: ENTRIES IN EICHLER TRACTS: In mapped Eichler Tracts an entry porch projecting forward of the front wall of the house shall not be used. A recessed void at the facade or a courtyard entry may be used in lieu of a porch. A covered trellis used as a colonnade or a side porch that does not project forward of the facade at the entry would not be considered an entry porch.</p>
4.5	<p>GARAGE DOORS: Garage door design should reflect the building architecture and the garage and garage door openings and panels modest scale relative to the rest of the facade.</p>	<p>4.5A: GARAGE DOOR DESIGN AND MATERIALS: The garage door shall match the material, color, and panel design pattern of the entry door or window fenestration.</p> <p>4.5B: GARAGE DOOR SIZE: The maximum garage door width shall be 16 feet and the maximum garage door height shall be 8 feet. If two single-wide garage doors are used instead of one double-wide door, each door's maximum width shall be 9 feet and maximum height 8 feet.</p>



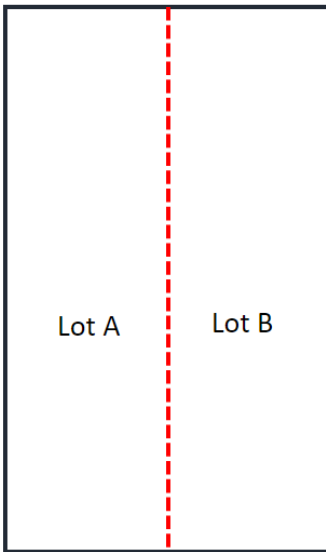
IR Key Point	IR Guideline Concept/ Key Point	SB-9 Objective Design Standards
5.1	PRIVACY CONDITIONS: Map existing and proposed privacy conditions.	5.1A: PRIVACY DIAGRAM: Site Privacy Diagram must show the proposed second-floor plan including windows, major on-site vegetation, and all elements on the neighboring property within 25 feet of the subject property line. For adjacent sites show major vegetation, building footprints, windows (indicate size and location), and patios within 25 feet of the property lines shall be provided in the project plan set.
5.2	WINDOW LOCATION/PRIVACY TREATMENT: Locate windows to reduce privacy impacts and mitigate impacts elsewhere.	<p>5.2A: BEDROOM WINDOW LOCATION: Organize the second-floor plan so at least one bedroom has its largest/egress window facing the front lot line. On corner lots, at least one bedroom's largest/egress window shall also face the street side lot line.</p> <p>5.2B: SECOND FLOOR WINDOW PRIVACY: For any window on an upper floor, facing an interior lot line that is located less than 20 feet from a side lot line or less than 30 feet from a rear lot line, one of the following shall be used:</p> <ul style="list-style-type: none"> <li>(a) permanent obscure glazing, or</li> <li>(b) exterior mounted permanent architectural privacy screens that block views more than 70%, or</li> <li>(c) windows with sills above 5 feet from the finished floor level.</li> </ul> <p>5.2C: STAIR WINDOW PRIVACY: Stair windows facing interior side lot lines within 20 feet of the lot line shall have permanent obscure glazing or exterior mounted permanent architectural privacy screens to at least 5 feet above the landing.</p> <p>5.2D: PRIVACY LANDSCAPE: Privacy screening landscape shall be located to align with proposed second floor windows across side and rear lot lines and between windows at facing units on a single property. Privacy screening landscape shall be evergreen and per size and planting standards shown in Standard 1.4.</p>
5.3	WINDOW SIZE AND OPERATION: Limiting impacts through the size and operation (window type) of operable windows.	5.3A: SECOND FLOOR WINDOW SIZE ALONG SIDE LOT LINES: Any upper-level window or window grouping located less than 20 feet from a side interior lot line (measured perpendicularly) shall not have more than 30 square feet of glazing.

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		5.3B: SECOND FLOOR OPERABLE WINDOWS ALONG SIDE LOT LINES: Operable casement windows on the upper level with a sill height less than 5 feet above the finished floor and within 20 feet of an interior side lot line shall be hinged so the windows open towards the public street. Horizontal sliding windows shall not be permitted facing and within 20 feet of an interior side lot line, unless the windowsill height is at least 5 feet above the finish floor level.
5.4	UPPER LEVEL DECKS & BALCONIES: Only permitted where they would have minimum privacy loss to side or rear facing properties under IR guidelines.	5.4A: SECOND FLOOR BALCONY LIMITATIONS: No more than one second floor deck/balcony shall be permitted per dwelling and shall: (a) only be permitted on a street facing facade, (b) be located at least 20 feet from any interior side lot line, and (c) be limited in size to no more than 40 square feet.  5.4B: ROOF DECK NOT PERMITTED: A roof deck (i.e., a deck above of the first level of a single-story building or second level of a two-story building) shall not be permitted.

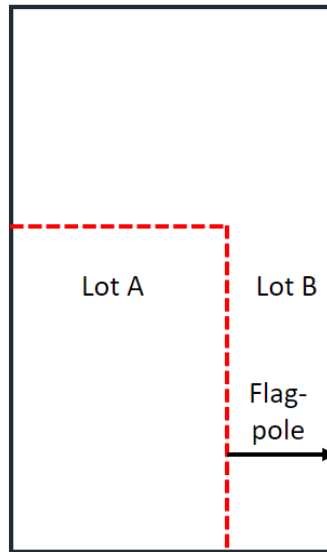


## OBJECTIVE LOT DESIGN STANDARDS FOR AN URBAN LOT SPLIT

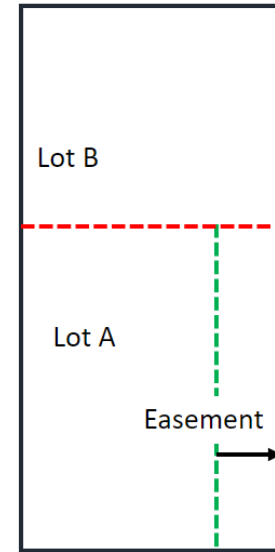
### a. Lot Typologies



**(1) Side-by-Side:** A 50/50 or 60/40 lot split could occur. This may be limited if a home exists on the property.



**(2) Flag lot:** Require a “flagpole” of at least 10’ wide that results in a back lot and front lot.



**(3) Flag lot w/Easement:** For lots less than 50’ in wide, 10’ would be allowed.

- (1) Side-by-side. One lot line shall divide the property from front to rear, with street frontages for both lots.
- (2) Flag Lot. Two property lines shall divide the property to create a new flag lot. The “flagpole” shall be at least 15 feet wide.
- (3) Flag Lot with Easement. Substandard lots less than 50 feet in width shall create a 10-foot access easement to create access to the rear lot.

**(b) Development Standards**

	Side-by-Side Lots	Flag Lot	Lot Split on lot less than 50 feet in width
Configuration	All lots shall meet one of the three typologies as described in (a)	Flag lot configuration required on lots deeper than 200 ft	Typology (a) 3 only
Minimum Lot Size (sq. ft.)	1,200		
Maximum Lot Size	None		
Maximum Lot Split Ratio	60%/40%		
Minimum Street Frontage (ft)	25	10	Easement
Maximum Number of New Lot Lines	2 <sup>(1)</sup>		
Shared Driveway	Required <sup>(2)(3)</sup>		

(1) One property line may be used to divide an existing lot into two side-by-side lots. Two property lines may be used to create a flag lot. No more than two new lot lines may be added. The new lot lines, as far as practicable, shall be parallel or at right angles to straight streets or radial to curved streets.

(2) A shared driveway shall be comprised of a single curb cut that extends for at least 10 ft before branching to two or more parking spaces. A recorded access easement is required.

(3) The two lots shall share a single driveway, unless sharing a driveway would require demolition of existing structures proposed to be retained. If sharing a driveway would require such demolition, no more than 2 curb cuts, one per each lot, will be permitted. The curb cuts must be at least 20' apart per 12.08.060 (a) (9) (A); drive aisle dimensions per 18.54.070 table 6.