

What is SB 9?

In September 2021, Governor Newsom signed new State law, Senate Bill 9 (SB 9), which went into effect on January 1, 2022. SB 9 requires ministerial approval of certain housing development projects and lot splits on a single-family zoned parcel, with the intent to increase residential densities within single-family neighborhoods across the State.

What does SB 9 do?

The law allows for two new types of development activities that must be reviewed ministerially without any discretionary action or public input:

- 1) Two-unit housing development – Two homes on an eligible single-family residential parcel (whether the proposal adds up to two new housing units or adds one new unit on a parcel with an existing single-family residence).
- 2) Urban lot split – A one-time subdivision of an existing single-family residential parcel into two parcels. This would allow up to four units (two units on each new parcel).

Is SB 9 allowed on my property?

SB 9 is allowed on a legal parcel located within a single-family residential zone (R-1; R-1D; & HR).

Parcels with the following conditions would not be able to apply for a SB 9 application:

- Historic Property
- Very High Fire Hazard Severity Zone or Earthquake Fault Zone
Note: these rules does not apply as the Town has adopted mitigation measures
- Hazardous Waste Sites
- Flood Zone
- Natural Habitat
- Prime Farmland and Wetlands
- Lands under Conservation Easements
- The SB 9 application shall not require either demolition of more than 25% of the exterior walls or alteration to any of the following: affordable housing; rent control housing; or housing occupied by a tenant in the past 3 years.

Two-Unit Housing Development Standards:

An application for an SB 9 Two-Unit Housing Development (TUD) must comply with all the standards in Town Code Section 29.10.630, summarized below:

TUD Design Standards:

- Rooftop and second floor decks are prohibited. Balconies are only allowed on the front and street-side elevations, and shall not project beyond the building footprint.
- Finished floor of the first floor shall not exceed 3 feet in height as measured from finished grade.
- A front entryway framing a front door shall have a roof eave matching the adjacent eave.
- If proposed, porches must have a minimum depth of 6 feet and minimum width of 25% of the front elevation.
- The interior side and rear elevations of the second story shall be recessed by 5 feet from the wall below.
- Street-facing garages shall not exceed 50% of the front or street-side elevation.
- First floor plate height is limited to 10 feet and second floor is limited to 8 feet.
- All second story windows less than 10 feet from rear and side property lines shall be clerestory except for ingress/egress.

TUD General Requirements:

- The maximum height shall be limited to the zone. Buildings located within the required side or rear setbacks of the applicable zone, and those located in HR zones are limited to 16 feet.
- New driveways shall have a maximum slope of 15%, a minimum width of 10 feet, and a maximum width of 18 feet. Driveways in the HR zones shall have a minimum width of 12 feet.
- The maximum size of the first TUD unit is limited to 1,200 square feet. The minimum size is 150 square feet.
- A 10% increase to the maximum allowed FAR is provided for TUD Developments.

- Grading shall not exceed 50 cubic yards (cut plus fill). Grading for lightwells, minimum driveway requirements, and building excavation is exempt.
- Maximum allowed cut and fill depths associated with site grading:

Site Element	Cut *	Fill *
House and attached garage	8' *	3'
Detached accessory building *	4'	3'
Driveways *	4'	3'
Other (decks, yards) *	4'	3'

** See Town Code Section 29.10.630 for exceptions*

- Building sites shall not be located on lands with slopes exceeding 30%.
- All exterior lighting shall be downward directed and utilize shields.
- One parking space per unit is required. See Town Code Section 29.10.630 for exceptions.
- Each unit shall have separate utilities.
- A deed restriction shall be required, limiting the property to residential uses only and prohibiting short term rentals.
- Required setbacks:

Setback	Requirement*	
Property Line Setbacks*	Front	Per the applicable zoning district.*
	Garage Entry	18'
	Interior Sides	4' *
	Rear	
	Street Side	Per the applicable zoning district.
Separation Between Detached Structures*		5'

** See Town Code Section 29.10.630 for exceptions*

Exceptions:

If any of the Town's standards would have the effect of physically precluding construction of up to 2 primary dwelling units or physically preclude either of the 2 primary dwelling units from being at least 800 square feet in floor area, the Town shall grant an exception to the applicable standard(s) to the minimum extent necessary.

Urban Lot Split Subdivision Standards:

An application for an SB 9 Urban Lot Split (ULS) must comply with all the standards in Town Code Section 29.10.650, summarized below:

- The split shall result in no more than 2 parcels.
- Minimum lot width and street frontage is 20 feet; with an allowance of 12 feet for flag lots.
- Minimum lot size is 1,200 square feet. One new parcel shall not be smaller than 40% of the existing lot area, and the other shall not be larger than 60% of the existing (40/60 split).
- An owner of adjacent parcels can only conduct an SB 9 split on one of the parcels.
- Existing structures shall not be located across the new shared property line.
- The applicant shall submit a signed affidavit stating that they intend to live on one of the parcels for at least 3 years.
- A deed restriction shall be required, limiting the property to residential uses only, prohibiting short term rentals, and prohibiting future subdivision.

Maximum Units:

- 4 units maximum, with no more than 2 SB 9 TUDs, on lots that have not undergone an ULS. One ADU and one JADU are allowed on lots that have not undergone an urban lot split.
- No more than 2 units may be located on any lot created through an ULS, including TUDs, ADUs, JADUs, primary dwelling units, and density bonus units. Any excess units must be demolished or removed before map approval.

Other requirements?

More information and resources are available on the Town's SB 9 website at:

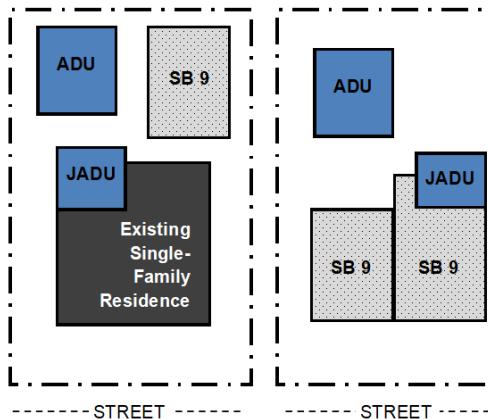
<https://www.losgatosca.gov/2703/Senate-Bill-SB-9>



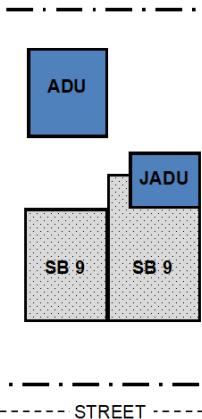
Possible Configurations:

- Without a ULS, a maximum of 4 units:

Example A:

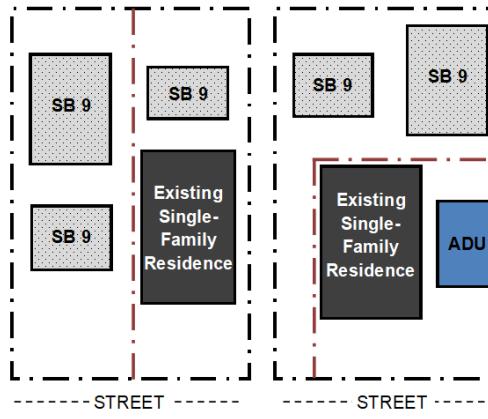


Example B:

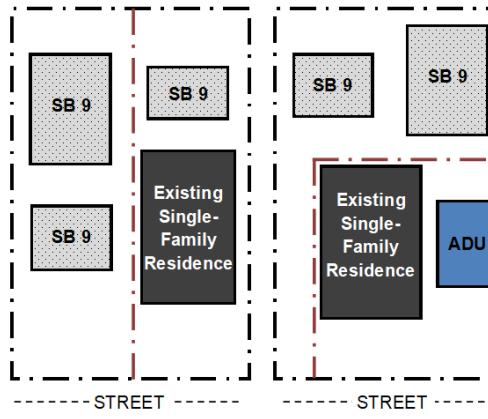


- With a ULS, a maximum of 2 units on each resulting parcel:

Example C:



Example D:



Town of Los Gatos

Community Development Department



Senate Bill 9 (SB 9) Standards

Summary Handout

Town of Los Gatos

Community Development Department

110 East Main Street

Los Gatos, 95030

(408) 354-6874

www.losgatosca.gov