



# SB9 Implementing Ordinance

As approved by Town Council  
December 8, 2021

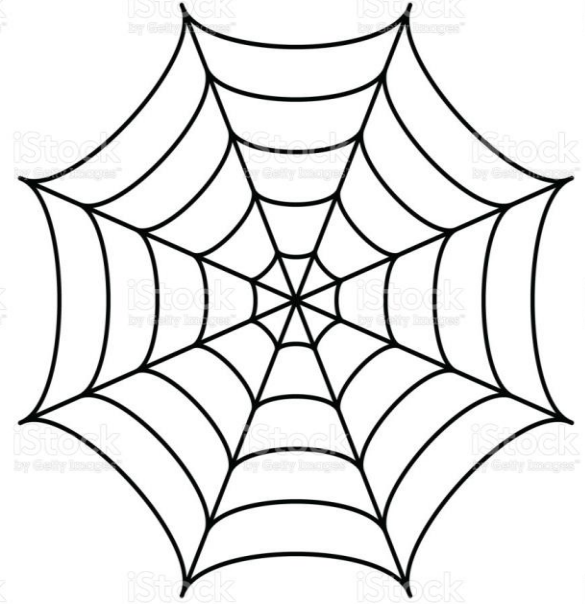
Town of Portola Valley



# Web of Housing Laws

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- Changes in state law over the past several legislative cycles have led to a complex, interconnected web of housing laws.
- The complexity places further requirements on local governments.
- The web can also be challenging to understand.
- Interpretations are wide ranging and still forthcoming.



# SB 9: The California HOME Act

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## Requires ministerial approval of:

- **Urban lot split** - A one-time subdivision of an existing single-family residential parcel into two parcels
- **Two-unit housing development** – Two homes on a single-family residential parcel



# Portola Valley Implementation of SB 9

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- Town Council conducted meeting on October 13  
– Appointed Subcommittee
- Council directed staff to draft ordinance which:
  - Asserted local control in areas available
  - Took into account fire and geologic safety
  - Complied with SB9
- Sub-committee and staff developed ordinance in consultation with Fire Marshal
- Approved December 8, 2021
- Currently in effect



# Town Approach: Ordinance Elements

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## **Create regulations to comply with State law:**

- Incorporate SB9 location restrictions, lot split and lot size standards and review process
- Prohibit SB9 units in geologically unsafe areas and in neighborhoods with restricted evacuation access (as previously defined for ADUs)
- Any new safety policies developed with the Safety Element would apply
- AMFA for newly created parcels calculated per current Zoning Code (unless lot could not otherwise accommodate two 800 sf units)
- Create objective standards to regulate the building envelope and exterior materials
- Provide incentives and disincentives to encourage compliance with local setbacks

AND

## **Maintain current requirements for projects that do not fall under State law.**

- One or two units greater than prescribed square footage standards would be subject to the Town's normal discretionary review process.



# Town Approach: Unit Sizes

## Complies with State Setbacks

<b>Unit Type</b>	<b>Unit Size</b>
Up to one bedroom	850 sf
More than one bedroom	1,000 sf

## Complies with Local Setbacks

<b>Lot Size</b>	<b>Unit Size</b>
Less than 3.5 acres	1200 sf
3.5 acres or more	1500 sf

# Town Approach: Objective Standards

**SB9 Residential Development – no discretionary review by ASCC  
Need to address design of these units**

**Mechanism under State law is “objective standards”**

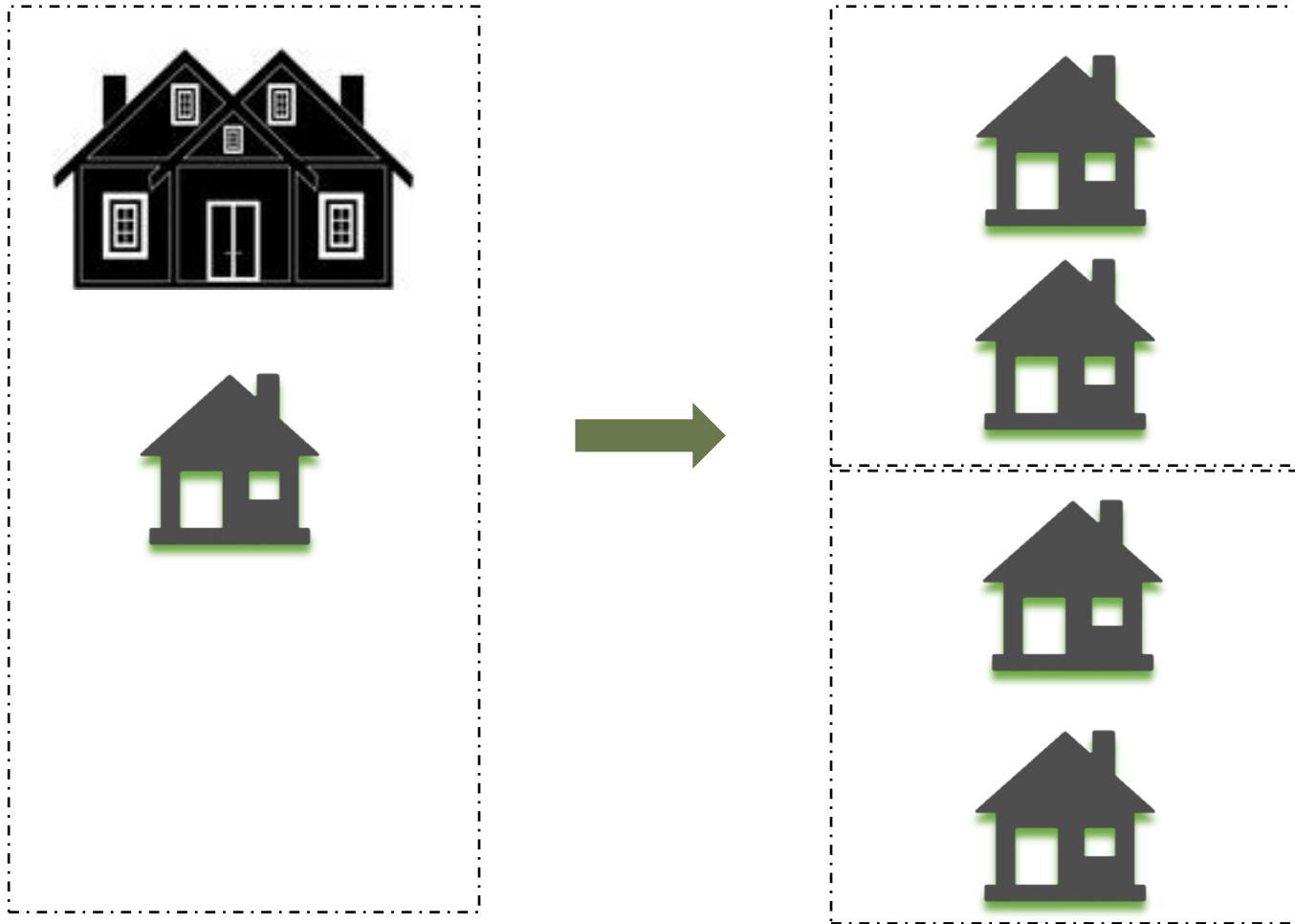
## **Approach to Objective Standards**

- Adapted Design Guidelines and existing policies into objective standards
- Addressed common issues that come up at ASCC
- Adopt by Council Resolution and amend from time to time as needed

**Fire Safety Checklist would apply if SB9 unit does not comply with Town’s setbacks, like ADUs. Developed by Fire Marshal and staff.**

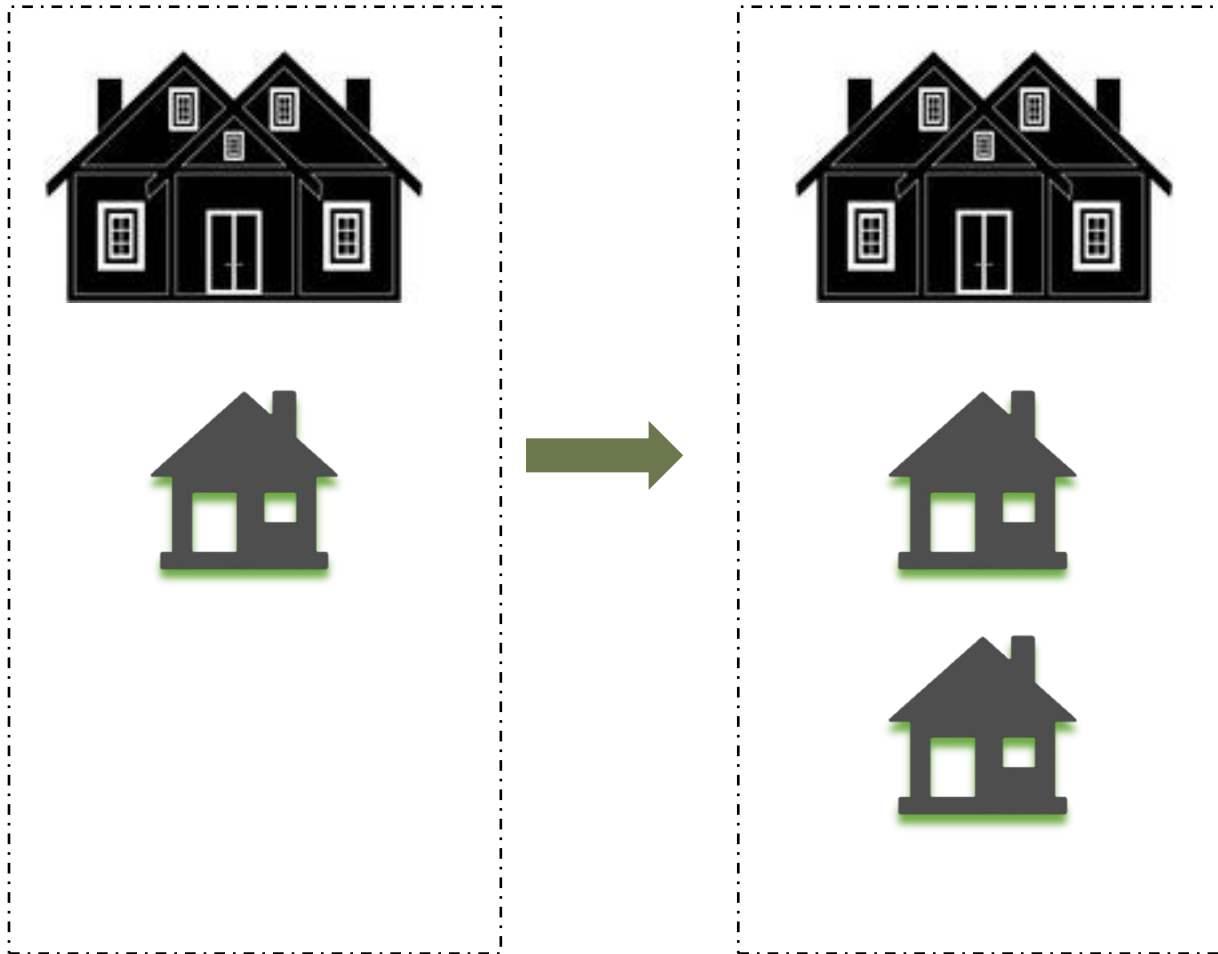


# Urban lot split with two-unit housing development





# Two-unit housing development



Lot size <3.5 Acre

Primary House – limited by AMFA – may include 500 s.f. JADU

ADU – new detached – can exceed AMFA by 800 s.f.

SB9 Unit – new detached or attached – can exceed AMFA by 800 s.f.

# Implications for RHNA Allocation

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- Working with 21 Elements and other small towns in the County
- Unlikely to be a “safe harbor” like for ADUs
- Will need to provide justification to include SB9 units in expected unit production
- No historical evidence or knowledge of market response
- Will likely count as market rate (not affordable)
- Staff will update the Committee as best practices evolve



# Questions



# Key Issue: Fire Safety and Evacuation



Campo:  
One ingress  
~12'6" wide

Prado:  
One ingress  
~21'10" wide



Santa  
Maria:  
One  
ingress  
~17' wide

All streets  
accessed  
using Santa  
Maria  
share  
restrictions

