
Increasing Housing Density: SB 9 Best Practices

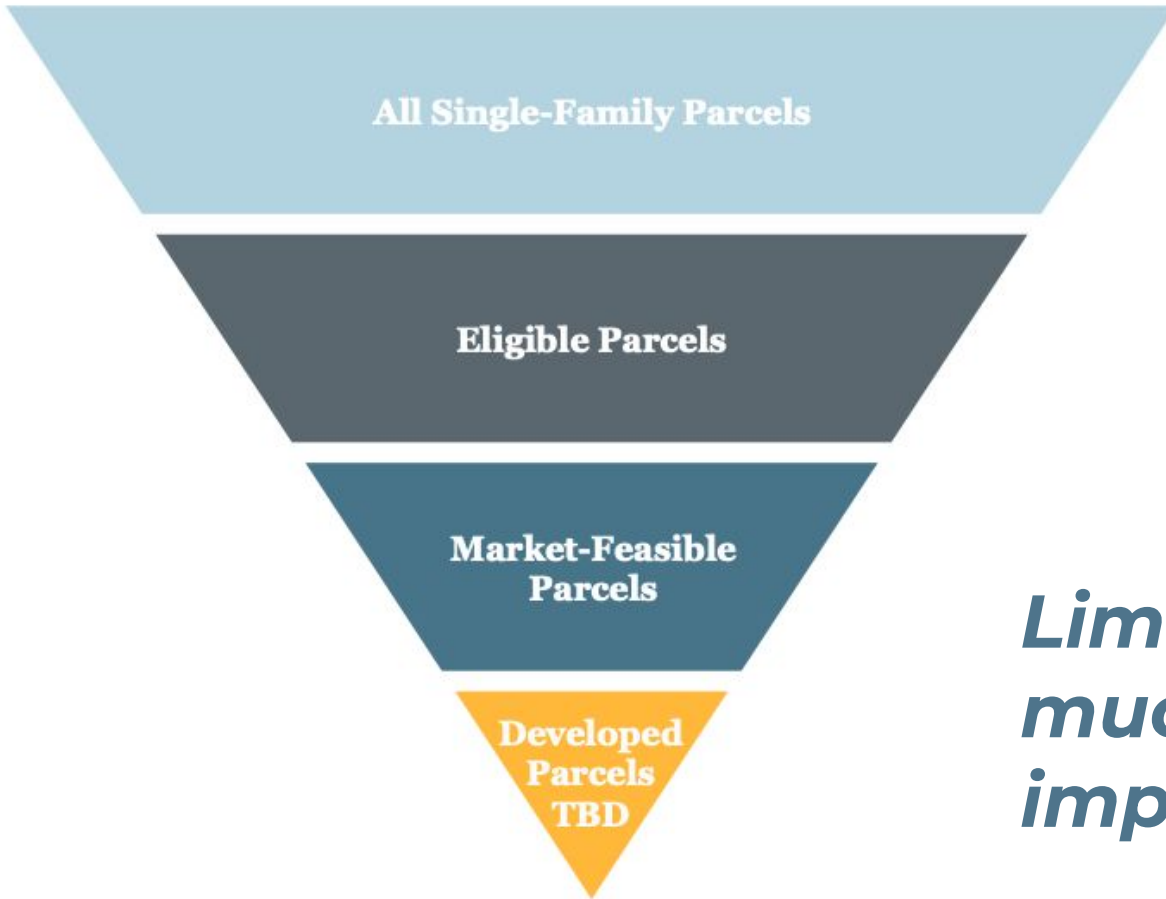
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Turner Analysis - Summer 2021: SB 9 could enable feasibility of ~700,00 new homes



Only about ~1% of single family parcels would see new feasibility as a result of SB 9

Limited impact could be much greater given local implementation

SB 9 - What is the intent? What are cities allowed to do?


- As of January 1, 2022, allows homeowners to build up to four units on an existing single family parcel (two homes on two lots)
- Local Jurisdictions have the option to:
 - Adopt the law 'as is'
 - Create a custom implementing ordinance
- Senate Bill 9 allows for varying levels of local discretion where local ordinances may not “physically preclude” a duplex but could make building it economically infeasible
- **Result:** A statewide laboratory of jurisdictions creating unique local SB 9 ordinances



Our analysis - A sample of SB 9 ordinances statewide

Development Regulation	Statewide SB 9 Requirements
Dwelling Units Per Lot	2 per lot; 4 total units on a former single family parcel
Minimum Lot Size	40% of the existing lot and no less than 1,200 sf.
Minimum Unit Size	800 sq ft
Maximum Unit Size	Local discretion
Street Frontage	Local discretion
Side and Rear Setbacks	4' maximum
Parking	Up to 1 parking spot per unit outside of Transit Priority Areas. No required parking inside Transit Priority Areas
Affordability Requirement	Local discretion

Common areas where discretion can limit SB 9 uptake

- **Design limitations:** Includes height limitations, minimum unit sizes, design requirements that hinder what can be built
 - **Affordability Requirements:** more difficult for projects to pencil and a barrier for homeowners with a lack of technical expertise
 - **Use of Land:** requirements that mandate open space or other uses on the parcel can have the effect of limiting SB 9 applicability
 - **Unequal Application of Standards:** requirements for SB 9 lot splits that don't apply to single family homes or ADUs
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Examples: SB 9-limiting requirements

- 800 sq ft maximum
- Landscape / Design requirements outside of the footprint of the home
- Affordable housing requirements + fees
- Height Standards / Setbacks
- Excessive Easements: much larger than necessary for a car
- LEED Platinum Certification
- Outlaw parking

How will state monitor local SB 9 compliance?

- California Department of Housing and Community Development was not directed by SB 9 to provide guidance
- California Department of Housing and Community Development may have authority under SB 330 (Housing Crisis Act) to examine when capacity has been limited as a result of restrictive SB 9 requirements. Also possible for HCD to be involved if cities rely on SB 9 too heavily for their housing elements
- California's Attorney General has the authority to enforce SB 9 compliance if a locality is in clear violation of the state law
- **Example:** Woodside issued a memorandum declaring the entire town a mountain lion sanctuary in order to avoid compliance

Thank you!

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