



Design Review Board Staff Report

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To: Design Review Board

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Subject: **Considering the preparation of preliminary standards to address urban lot splits and two-unit projects pursuant to Senate Bill 9 for incorporation into the Objective Design Standards document.**

CEQA: Not a project/exempt pursuant to Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c)(2) or 15378; and/or 15061(b)(3).

Report in Brief

This Design Review Board (DRB) meeting is continuing the discussion on the various components of the Objective Design Standards. The DRB met on October 20, 2022 and focused their review and feedback on specific architecture and site planning design standards for the Downtown and Neighborhood areas and the November 17, 2022 DRB meeting, the Board provided direction on standards for the Corridors and Special Case/Infill areas.

This evening the project team will be discussing preliminary design standards to respond to urban lot splits and two-unit projects within single family zoning districts pursuant to Senate Bill (SB 9).

Recommended Action

Considering the preparation of preliminary standards to address urban lot splits and two-unit projects pursuant to SB 9 for incorporation into the Objective Design Standards document.

Background

Senate Bill 9

The California Housing Opportunity and More Efficiency (HOME) Act or SB 9 took effect January 1, 2022 and created a ministerial process (non-discretionary) to allow a duplex or second single-family home (same lot) and to subdivide an existing lot for up to an additional two units, for a total of four units, on the original single family parcel, including ADUs (Accessory Dwelling Units). SB 9 only allows the application of objective development and design standards; thus, necessitating the creation of a section in the ODS document, to respond specifically to this legislation. As provided for in the Draft Housing Element, the City will eventually prepare a local implementing SB 9 Ordinance with development standards; but this is expected to occur after the ODS document is adopted.

Framework of Design Standards

The proposed approach laid out in the last five DRB meetings has been to ensure the City establishes a strategy for new housing developments to maintain quality design with creative, economically feasible, sustainable standards, while maintaining affordability and most importantly streamlining the processing of housing projects. More specifically, the City seeks to establish the ODS document to apply to residential housing development projects when the City's discretionary review is limited or prohibited. The SB 9 standards will similarly follow this strategy.

Analysis

SB 9 allows residential properties in single family zoning districts meeting certain criteria the ability to add a second primary residence attached or detached as well as create an urban lot split and add up to two additional units (primary residences or ADUs) on the new lot for a total of four units on what used to be a single lot.

ABAG (Association of Bay Area Governments) has created an illustrative fact sheet to demonstrate the possibilities for owners of property within a single-family zoning district, as a result of SB9. The diagram has been attached for the Board's understanding and represents how a typical single family property could be transformed by either utilizing a ministerial lot split with a second home and/or building ADUs (See Attachment A).

The feasibility to pursue additional units under SB 9 depends upon the location of the existing single-family home on the lot, size of the lot, location of easements, and lot orientation. Other exclusions and restrictions that limit potential use of SB 9 include historic properties, properties within earthquake fault zones, properties within flood plains, and prior use of the unit as a rental (within last 3 years).

The City's goal is to enhance the existing character within the city as new development and property improvements occur. Important design aspects in consideration of SB9 residential projects, due to the ability to densify certain single-family sites, include:

- Proximity to existing adjacent buildings and structures.
- Four-sided, high quality architecture.
- Higher intensity and more density (ADUs, typically are not subject to lot coverage requirements).
- Size and proximity of windows, and entry doors and patio doors to other units.
- Parking for primary residence and any additional units.
- Ability for shared driveway access.
- Minimizing privacy impacts to surrounding properties.

The consultant team, in coordination with City staff, is preparing preliminary standards to specifically address SB 9 projects. These standards are being prepared based on their special needs because the units are typically closer together (a minimum of 5 feet), but are still considered single family and/or duplex units; also with potential adjacencies to ADUs. The preliminary standards are being crafted with the DRB's (See Attachment B-1, B-2) and Planning Commission's (Attachment C) prior feedback.

Urban Lot Standards

The urban lot split standards for ministerial approval allow for lots to be a minimum of 1,200 square feet. However, the City can still: a) require easements for public facilities, b) require that each parcel have access to or adjoin a public right of way; and c) apply objective subdivision standards. In addition, the applicant must sign an affidavit stating they intend to live in one of the units for at least three years. A jurisdiction cannot require street dedications or correction of nonconforming zoning conditions.

Current ADU Ordinance

The City's ADU ordinance has been updated over the last couple years to respond to changes in State Law (Attachment D) and includes development standards and design guidance. Generally, the City's existing ADU ordinance requires the following:

- A minimum of 4-foot interior side and rear setbacks and a minimum of 5 feet from other structures. Front and corner side setbacks are based on the zoning district, where the ADU is proposed¹.
- A minimum size of at least 150 square feet.
- A maximum size of 1,000 square feet for lots less than 12,000 square feet and up to 1,200 square feet, for lots over 12,000 square feet.
- A maximum size of 16 feet in height; with special provisions for conversions from existing accessory structures to ADUs.
- ADUs are exempt from the ADU additional design and development regulations (Section 18.200.180(E) unless the ADU is attached to the principal dwelling or the

¹ An attached or detached accessory dwelling unit with up to 800 square feet of living area, up to 16 feet in height, and with a minimum of four-foot side and rear yard setbacks may be constructed within the front and corner-side setbacks, if an accessory dwelling unit cannot feasibly be constructed elsewhere on the lot.

new detached ADU is larger than 800 square feet, taller than 16 feet or with side and rear setbacks less than four feet.

Current ADU design standards in the City's Development Code Section 18.200.180(E)8 include the following and will need minor modifications to be considered "objective":

- Colors and Materials – colors and materials rather than "*comparable*" to the single family dwelling – *shall be the same*.
- Entrance location and screening – current requirement is objective.
- Second Story Windows - current requirement is objective.

In addition, there are existing ADU requirements for parking and for Junior ADUs (JADUs). JADUs are limited to between 150 to 500 square feet in size within an existing or proposed single family dwelling, include an efficiency kitchen, and may include or share sanitation facilities with the principal dwelling.

Additional Design Standards for SB 9

Additional design standards are expected to be necessary for SB 9 due to close proximity of the units on the site, as well as to those on adjacent sites. Topical areas for preliminary standards to address urban lot splits and two-unit projects include (Attachment E):

Site Planning

- Street and Parking
 - Adjoining a Public Right-of-Way
 - Garage and carport placement on site
 - Parking
 - Driveway width, paving area and material
- Meeting the Street
 - Front Entries and door placement
 - Patio/Porches
- Site Planning
 - Setbacks to property lines (existing and new)
 - Maximum coverage on site

Massing, Articulation, and Architectural features

- Primary Units and Detail
 - Color, Materials
 - Roof Design
 - Garage Doors
 - Exterior Side Elevations
 - Fenestration and Detailing
- Massing and Articulation
 - Articulation
 - Maximum height

- Second floor limitations
- Line of Sight
 - Window and door placement, alignment and size limitations
 - Exterior stairwells and balconies
- Fencing, Lighting and Landscaping
 - Fence standards
 - Lighting
 - Landscape screening
 - Garbage/recycling toter storage

City's Pre-approved ADU Plans

The City has been developing pre-approved ADU plans, which have been reviewed by the DRB. Use of these plans by residents, will limit the time and cost of preparing plans such that applicants will only be required to provide a site plan showing the location of their selected, pre-approved ADU plan on the site, consistent with necessary setbacks. The plans are expected to greatly reduce the review time and the costs necessary for the homeowner, as costs for preparation of architectural plans and redesigns to respond to plan check comments will be eliminated. The intent is that these plans if utilized, would be exempt from the ODS because they have already been vetted by the City.

Next Steps

In late March/early April, an update and overview will be provided to the full City Council to provide their opportunity for direction to staff to ensure the document is aligned with the City Council's objectives prior to preparing an administrative draft. Following input from the City a draft for public input will be published.

Public Contact

The Agenda was posted at City Hall and on the City's website at least 10 days prior to the public hearing.

Attachments

- A. SB 9 ABAG Fact Sheet
- B. Design Review Board input, October 20, November 17 meetings
- C. Planning Commission minutes, dated December 21, 2022
- D. Section 18.200.180 ADU Ordinance
- E. Preliminary Standards to address urban lot splits and two-unit projects
- F. [HCD-Technical Assistance Briefing](#) on Objective Design Standards, June 2021²

23sdrb.004

² The full URL is: <https://hcdcagov.app.box.com/s/baznxdyweq6a8txcrb22li0gogqodzz6>