

ATTACHMENT 5

Alternative Standards for Regular SB 9 Ordinance

Side-by-Side Lots

Staff recommends that creation of side-by-side lots through an Urban Lot Split of interior lots with a street frontage of 60 feet or more be regulated through the proposed standard in the draft ordinance as an option for existing lots with more than 75 feet of street frontage and a depth of more than 145 feet to result in either a side-by-side lot or flag lot configuration. This option would not be available to any lots with an existing street frontage between 60 and 75 feet, and lots exceeding 75 feet of street frontage but with a depth of 145 feet or less.

The Commission recommend alternative standards, including the following standard which had been previously adopted through Interim Ordinance 21-2235. This standard disallows the creation of flag lots through an Urban Lot Split of interior lots with a street frontage of 60 feet or more and only allows a flag lot to be created when the existing lot is a flag lot or when the existing lot is an interior lot with a street frontage of less than 60 feet.

Existing interior lots or pie shaped lots with 60 feet or more of street frontage shall result in lots with a street frontage that is at least 40% of the existing street frontage of the lot being subdivided. Resulting lots shall have a side-by-side orientation and shall not create a landlocked parcel.

Second Story Decks and Balconies

Staff recommends disallowing second story decks and balconies unless subsequently approved through a discretionary permit in both R1 and RHS zones to avoid potential privacy impacts resulting from development on potentially narrower lots.

The Commission may elect to recommend alternative standards as follows:

Option A:

- a. *Not permitted.*

Option B:

- a. *Not permitted if either of the following conditions exist:*
 - i. *The lot width is 50 feet or less when measured at any cross-section where the deck is proposed; or*
 - ii. *The lot has a building pad that is five or more feet higher than the buildings on the adjoining properties.*
- b. *Shall have a minimum setback of 20 feet from the side property line and 30 feet from the rear property line.*

Option C:

- a. *Only permitted if the deck or balcony faces the front yard of the subject property or a public street.*
- b. *Shall have a cumulative maximum area of 200 square feet with each balcony not exceeding 150 square feet nor shall any balcony extend more than nine feet from the exterior wall.*
- c. *May encroach into the required front setback area up to a maximum of three feet.*
- d. *No roofed second story decks or balconies shall encroach into any required setback area.*

Basements

Staff recommends disallowing basements in both R1 and RHS zones to ensure that unit development remains affordable and to remain consistent with the proposed grading limitations. This limitation is consistent with the standards that were adopted through Interim Ordinance 21-2235.

The Commission may elect to recommend alternative standards for adoption by City Council including that basements be allowed only on lots greater than 5,000 square feet and be counted toward the Floor Area Ratio as follows:

- a. *Setbacks shall comply with those identified in Section 19.28.150(E)(3).*
- b. *Are allowed only on lots that exceed 5,000 square feet.*
- c. *The perimeter of all basements and lightwells shall be treated and/or reinforced with the most effective root barrier measures as determined by an ISA certified arborist in conjunction with recommendations from a certified structural engineer.*
- d. *Lightwells shall be limited to the minimum number and size required for light and air standards under the California Residential Code as follows:*
 - i. *Only windows shall be provided for all required emergency egress.*
 - ii. *Lightwells are not allowed for areas not required to provide emergency egress. Alternative means of light and air may be provided, such as transom windows in the basement wall.*
 - iii. *Exterior doors are not allowed in a basement area except that an independent basement unit may have no more than one side hinged indoor swinging exterior door as a means of egress to the outside with a lightwell stairwell and landing area not to exceed the minimum requirements of the CA Residential Code.*
 - iv. *For single story developments, a maximum of one 10-foot by 10-foot lightwell (including all stairs and appurtenances) may be proposed.*
 - v. *Lightwell railings shall have a maximum height of three feet six inches and shall be located immediately adjacent to the lightwell.*
- e. *Lightwells shall not encroach into any required setback areas and shall not be located in the required front yard or street side yard setback area.*
- f. *Lightwells that are visible from a street shall be screened by landscaping.*

Accessory Dwelling Units

Staff recommends continuing the disallowance of ADUs and JADUs on the resulting parcels of an urban lot split, where one or more units have also been approved for construction under SB 9.

The Commission may elect to recommend an alternative standard for adoption by City Council that allows for the construction of ADUs and JADUs on lots with only one single family residence proposed pursuant to Government Code Section 65852.21. This standard may read as (emphasis added):

*Notwithstanding Government Code Section 65852.2 or 65852.22 or any provision of this Chapter, no accessory dwelling unit or a junior accessory dwelling unit shall be permitted on any lot in single-family residence district (R-1 or RHS) if an urban lot split has been approved pursuant to Section 18.12.70 and **two** residential units have been approved for construction pursuant to Section 19.28.150 or 19.40.090 (Government Code Section 65852.21).*