



CITY OF
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Architectural Review Board Staff Report

From: Jonathan Lait, Planning and Development Services Director
Lead Department: Planning and Development Services

Meeting Date: April 20, 2023
Report #: 2304-1251

TITLE

Study Session to Review and Discuss the City's Local Objective Standards for Senate Bill 9 (SB 9) Residential Units and Urban Lot Splits Previously Approved by Council Along with the City's SB 9 Interim Ordinance 5538. The Planning and Transportation Commission Recommended a Permanent Ordinance to Replace the Interim Ordinance on February 8, 2023. Environmental Assessment: Not a Project. For More Information Contact Amy French at Amy.French@cityofpaloalto.org.

BACKGROUND

SB9 legislation is now Government Code Section 65852.21. Per Council's request, staff asked the ARB to review the SB 9 Objective Standards previously adopted in conjunction with the interim ordinance (Ordinance 5538). On February 8, 2023, the PTC recommended Council approve a permanent ordinance, scheduled for City Council review on May 15, 2023. The February 8th PTC report¹ included the approved objective standards, known as Objective Standards (IR Crosswalk) for SB9 Development and Urban Lot Split Objective Standards. Verbatim minutes from the PTC hearing are viewable online.²

On March 16, 2023, the ARB conducted a study session regarding the objective standards with respect to unit design under SB 9, as well as urban lot splits under SB 9. The ARB provided feedback on where the objective standards may be confusing or difficult to comply with, possibly in ways that could impact the quality of the final design. The ARB continued the study session to a date uncertain. The ARB noted that staff would not need to present the content again at the next study session. The ARB excerpt meeting minutes are attached to this report (Attachment A).

¹ PTC report with attachments B and C <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2023/ptc-2.08-sb9-ordinance.pdf>

² February 8, 2023 PTC meeting minutes <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2023/ptc-3.8-approved-verbatim-minutes-2.8.23.pdf>

Two ARB members submitted written comments to staff following the March 16th ARB meeting. Staff noted the standards these members commented on in the below report section.

DISCUSSION

The intent of the first study session was for the ARB to:

- Receive staff's presentation on the adopted standards and background information regarding the City's actions related to SB 9 legislation
- Provide initial feedback and hear from members of the public.

This second study session is for the ARB to complete the session with any additional comments. Staff can pull up topic area slides during the discussion, to help the ARB complete the session.

Staff intends to convene a group of stakeholders in the coming months to ensure there is sufficient feedback from the community. Staff also plans to review the very few SB 9 cases processed thus far in Palo Alto, summarize any 'lessons learned' and consider potential refinements to the SB9 standards and additional changes to the permanent ordinance that references the use of these adopted standards.

The presentation of standards refinements is unlikely until sometime after the 2023 State Legislative session concludes. Staff is watching the current SB9 'cleanup bill', SB 450, as it proceeds through the legislative process; the bill would *"prohibit a local agency from imposing objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone."* That said, the ARB's input at this stage is important as staff prepares for the next stages in this process.

Chen Comments

Boardmember Chen submitted a general comment regarding developments next to single-story homes. She noted that a number of these requirements are too restrictive and might be overly restrictive to applicants that decide to do SB9 projects earlier given that adjacent single-story homes could be torn down to build new 2-story buildings in the future. Chen noted that most of her comments are based on the highest density scenario for SB9 development (two primary units plus two ADUs on a single lot). The standards noted in her comments as areas of proposed discussion included:

Standard 1: 1.1C Planting Strip, 1.2B Garage Width, and 1.5 Step backs

Standard 3: 3.2 A, Roof form variation, and 3.4A Gable roof forms

Standard 4: 4.2A, Wall Alignment, and 4.2B Facade element spacing

Standard 5: 5.2A Bedroom window location

Hirsch Comments

Chair Hirsch highlighted numerous standards for further discussion. In summary, several of his comments indicated where diagrams would be useful to applicants and highlighted requirements that he believed were overly restrictive as to the massing of the building. He noted that massing should rely more on a set height of the building and daylight plane. Comments related to massing were consistent with the feedback from board members who expressed concern regarding the strict setbacks for upper floor levels in addition to the daylight plane requirements. Chair Hirsch noted in his comments to staff that there was not an expectation for staff to provide responses to his comments as part of the study session, but later this could be helpful. The standards noted in his comments as areas of proposed discussion included:

Standard 1: 1.1A, 1.1B, 1.1D, 1.1F, 1.2A, 1.2D, 1.3A, 1.4, 1.5A, B, C, 1.6 Site Planning

Standard 2: 2.1A, 2.1B, 2.2C, 2.3A, 2.3B, 2.4, 2.5A Building Height and Massing

Standard 3: 3.5A Contextual Roof Pitch

Standard 4: 4.1A, 4.2A, 4.3A, 4.4A, 4.5A, Facades focal point, composition, and entrances

Standard 5: 5.2A, 5.2B, 5.2C, 5.2D, 5.4A Privacy requirements

ATTACHMENTS

Attachment A: Meeting minutes from March 16, 2023, ARB study session

AUTHOR/TITLE:

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