

SB 9: URBAN LOT SPLIT (ULS) AND HOUSING DEVELOPMENT UNITS (HDU)

The information contained within this document is a summary of Pleasanton Municipal Code (PMC) Section 18.101 for Urban Lot Splits and Housing Development Units. For additional details, please consult the PMC.

WHAT IS SB 9?

In September 2021 the Governor signed into state law Senate Bill 9 (SB 9), which adopts new provisions requiring local jurisdictions to grant ministerial (by-right) approval of two-unit housing developments and so-called "urban lot splits" for parcels within single-family residential zones that meet certain criteria. These provisions are separate from but related to those regarding accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). On December 7, 2021 the Pleasanton City Council adopted Ordinance No. 2228, adding Chapter 18.101 to the PMC. Chapter 18.101 implements SB 9 and establishes objective design and development standards with which proposed SB 9 projects must conform.

WHAT PROPERTIES ARE ELIGIBLE FOR SB 9 APPROVALS

To be eligible for SB 9, parcels must conform to certain criteria including but not limited to location in a single-family zone, located outside of areas such as wetlands, prime agricultural land, or areas subject to natural hazards. An existing residential unit on the subject property must not have been occupied by a tenant in the last three years. The property must not have been determined to be historic resources with adoption of the 2015 Historic Resource Survey, as amended by city council, the 2019 Downtown Specific Plan, as amended by city council, and 2009 General Plan, as amended by city council.

HOW MANY HOUSING UNITS DOES SB 9 ALLOW?

SB 9 allows the following: (1) a maximum of two housing development units per parcel meeting the requirements of this chapter are permitted; and (2) either one ADU or JADU per HDU meeting the requirements in chapter 18.106 is permitted, for a total of up to four units on the subject property¹.

When located on a site subject to an approved or proposed urban lot split, a maximum of two housing development units meeting the requirements of this chapter are permitted per parcel resulting from the urban lot split, for a total of two units on each of the two resulting parcels. In the case of an Urban Lot Split, the total of two units is inclusive of any HDU(s) and any ADU or JADU on the parcel. Should a resulting parcel include only one HDU, either one ADU or JADU is permitted.

HOW DOES SB 9 RELATE TO THE UNDERLYING ZONING DISTRICT?

Except where indicated in Chapter 18.101, HDUs and ULS shall comply with other zoning and building requirements generally applicable to residential construction in the zoning district where

¹ ADUs & JADUs are subject to the requirements in PMC Chapter 18.106

the property is located, provisions of PMC Title 19 – Subdivision Ordinance, and all other applicable PMC standards. You can use the [Zoning Map](#) to identify the zoning district.

WHAT IS THE PROCESS FOR APPROVAL

Review and approval of HDUs and ULSs is required to be ministerial, meaning approved “by right” without discretionary review or hearing is all applicable standards are met.

URBAN LOT SPLIT STANDARDS

GENERAL STANDARDS	
<i>Size:</i>	<p>The urban lot split shall result in no more than two parcels and one of the two parcels resulting from the urban lot split shall not be smaller than 40 percent of the lot area of the original parcel.</p> <p>Each lot shall be a minimum size of 1,200 square feet.</p>
<i>Lot configuration:</i>	<p>The side line of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvature, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.</p> <p>No lot shall be divided by a City boundary line.</p>
<i>Width and Depth:</i>	<p>Parcels shall have a minimum width of 30 feet. Width shall be determined in accordance with the definition in chapter 18.08.</p> <p>Parcels shall have a minimum depth of 40 feet. Depth shall be determined in accordance with the definition in chapter 18.08.</p> <p>A lot depth in excess of twice the width shall be avoided whenever possible, and a lot depth in excess of three times the width shall not be permitted.</p>
<i>Access and frontage:</i>	<p>Each parcel shall provide for direct vehicular access to and have a minimum frontage of 30 feet on the public right-of-way, except for flag lots, where the frontage shall be the width needed to meet access standards as specified in this chapter.</p> <p>Driveways shall conform to the minimum standards set forth in PMC chapter 18.88.040, or as specified in the fire code if emergency vehicle access is required.</p> <p>Two driveways on less than 70 feet of total frontage are permitted only when necessary to provide access to both parcels resulting from the urban lot split. In this case, either the aggregate width of two separate driveways or a combined shared driveway must comply with the dimensions set forth in chapter 18.88.040 and the driveway shall be configured to avoid unnecessary loss of available curbside parking in the</p>

	neighborhood. Shared driveways and shared curb cuts are encouraged whenever possible.
<i>Easements</i>	Public service easements shall be provided within the subdivision where required for public utility purposes, in accordance with Title 19 of this code.

FLAG LOT STANDARDS	
<i>Threshold:</i>	A flag lot shall be allowed with an urban lot split in a situation where a conventionally configured lot would not allow for a second lot of at least 1,200 square feet, accommodating two housing development units of at least 800 square feet each.
<i>Lot configuration:</i>	The portion of the flag lot constituting the access corridor shall be excluded when determining compliance with minimum lot size requirement of this chapter, from the site area, lot width, and lot depth as defined in chapter 18.08, and for purposes of determining floor area as defined in chapter 18.08.
<i>Width of access:</i>	The maximum width of the access corridor portion of the flag lot shall be the same as the minimum width specified for driveway access in chapter 18.88.040, except where greater width is required for fire department access.
<i>Determining Setbacks:</i>	Front, side, and rear yards for the purposes of identifying required setbacks shall be determined by the director of community development based on the relationship of the parcel to surrounding lots and structures and shall generally follow the pattern established by adjacent lots.
<i>Fencing:</i>	A fence may be constructed between the access corridor of a flag lot and the adjacent parcel, except that the fence height may not exceed 42 inches within the front yard area of the adjacent property.

HDU DEVELOPMENT STANDARDS

GENERAL STANDARDS	
<i>Size:</i>	HDUs on the same parcel shall be cumulatively limited to the floor area allowed by the residential zoning district that the parcel is located. In the instance where the floor area limitation results in a unit less than 800 square feet, the floor area limit may be exceeded but only to allow a unit up to 800 square feet.
<i>Setback requirements:</i>	Four feet from the side and rear yard property lines

	<p>For corner lots, the street side setback shall not be less than 10 feet or twice the depth of the minimum side yard prescribed for the district, but not more than the required front yard depth shall be required.</p>
<p><i>Height:</i></p>	<p>If the proposed housing unit meets the setback standards of the underlying zoning district the maximum height of the HDU shall be the same as the zoning district and measured as specified in chapter 18.84 for primary structures.</p> <p>If the proposed HDU is located in the side or rear yard otherwise established for the zoning district by chapter 18.84, the maximum height of the portion of a HDU located between the four-foot setback line established by this chapter and the limit of the rear, side, or street side yard area established by chapter 18.84 is 15 feet, as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure, including parapet.</p>
<p><i>Upper Story Requirements:</i></p>	<p>The upper story is limited to 40 percent of the floor area of the first floor. Upper story balconies or decks are prohibited. Stairs to an upper story must be fully enclosed within the unit.</p> <p>The upper stories of HDUs shall be separated from any structure on adjacent parcels by the following standards:</p> <ol style="list-style-type: none"> 1. Where both the HDU and the structure on the adjacent property is two or more stories, a minimum separation of 20 feet shall be provided between the upper stories of the HDU and the upper stories of the structure on the adjacent property.* 2. Where only the HDU is two or more stories and the structure on the adjacent parcel is one-story, a minimum separation of 17 feet shall be provided between the upper stories of the HDU and structure on the adjacent property.*
<p><i>Roof Requirements</i></p>	<p>New structures shall provide a roof sloped (gable, hip, cross gable roof) to a minimum of 3:12 inches. Roofs for HDUs that result from alteration or addition to an existing main structure shall match the existing slope, form, and materials of the main structure.</p> <p>Roof material and color shall be consistent throughout the entirety of the roof within each new or modified building, including garages, carports and accessory structures that are part of the HDU. Metal roll and standing seam roofing shall be prohibited, except where their use is documented on existing adjacent structures.</p> <p>Roofs shall be detailed with projecting eaves and gable rakes. These overhanging elements shall project a minimum of 12 inches from the face of the adjacent building wall.</p> <p>A minimum of 25 percent of roof area shall be articulated with any combination of hip, gable, or shed dormers.</p>

<p><i>Window Requirements</i></p>	<p>Exterior wall planes exceeding 250 square feet in area shall provide glazing for 30 percent of the total wall area. Simulated mullions shall be allowed only when mullions are located on both the inside and outside faces of the glazing. Windows located in stucco walls shall be recessed a minimum of two inches but are not required exterior trim. Windows located in wood clad or masonry walls shall provide surrounding wood trim with a minimum width of 3 inches.</p> <p>Tinted windows, plastic and colored glazing are prohibited. Plastic glazing is also prohibited for skylights.</p> <p>Upper story windows located closer than 25 feet* from and facing an existing primary residence on an adjacent property shall be located to maximize privacy for adjacent properties by using at least one of the following techniques:</p> <ol style="list-style-type: none"> 1. The sill height located a minimum of 60 inches above the finished floor. 2. The location of the window is such that the centerline of the glazing is offset greater than 15 lateral feet from the centerline of any glazing on an existing adjacent primary structure. 3. Any window sash located partially or entirely below 60 inches from the finished floor consists of frosted or obscured glazing.
<p><i>Façade Materials</i></p>	<p>Elevations visible from the public right-of-way shall contain features to provide visual interest through a combination of at least two of the following:</p> <ol style="list-style-type: none"> 1. Volumetric elements with a minimum projection of 24 inches beyond the plane of the facade with use of window bays, building recesses, or porches with columns. 2. Façade elements with a minimum depth of four inches with use of window boxes or by offsetting a change in facade material with use of wainscot or water table. 3. A minimum two-foot plan offset at the shared wall of attached housing developments. Stucco shall be used in combination with a secondary wall material. <p>Durable and fire-resistant alternatives for traditional materials shall be allowed. Fiber cement siding is permitted as a substitution for wood shake, horizontal siding, or board and batten paneling. Cement S-tile roofing is permitted as a substitution for clay tile.</p> <p>A minimum of two exterior building colors shall be used on each HDU at the street-facing façade. HDUs with no street-facing façade shall designate a front façade to meet this standard. Transitions for both material and color shall be located at interior corners.</p>

<i>Prohibited Materials</i>	<p>Prohibited facade materials: T-111 and similar plywood siding, corrugated and standing seam metal, vinyl and plastic siding, and foam and stucco trim.</p> <p>Prohibited roof materials: non-dimensional three-tab asphalt shingles, wood shake roofing, and corrugated metal and plastic.</p>
<i>Landscaping</i>	<p>Street-facing elevations shall be designed with a minimum four-foot landscaping zone adjacent to their foundation or porch face.</p> <p>Front and side yard setbacks shall be limited to a total of 40 percent impervious coverage.</p> <p>Landscaping used to screen views of storage areas, trash enclosures, mechanical or HVAC equipment, irrigation and plumbing equipment, and transformers shall be a maximum of 42 inches in height.</p> <p>Lots with aggregate landscaped area equal or greater to 2,500 square feet shall comply with the Pleasanton Model Water Efficient Landscape Ordinance.</p>
<i>Lighting</i>	<p>Exterior lighting fixtures shall provide a maximum Backlight Uptight Glare (B.U.G.) rating of B3 U0 G1.</p> <p>All exterior lighting fixtures shall be appropriate for California Energy Commission Lighting Zone 3.</p> <p>Lights shall be shielded to prevent light trespass across property lines, including any property lines that result from a proposed urban lot split.</p>
<i>Parking</i>	<p>One off-street, covered parking space shall be provided per HDU, except if the parcel is located:</p> <ol style="list-style-type: none"> 1. Within one-half mile walking distance of either a high-quality transit corridor or a major transit stop; or 2. Within one block of a car share vehicle. Transit frequency shall be based on the schedule posted by the transit agency at the time of the issuance of the first "completeness" letter issued by the city following submittal of the application. <p>Vehicle parking spaces shall not: (1) be located within a front, side, or street side yard setback; (2) be a tandem space; or (3) be provided in a driveway. Vehicle parking spaces shall meet the minimum dimensions set forth in 18.88.040.</p> <p>Garages constructed for HDUs shall meet the following standards:</p> <ol style="list-style-type: none"> 1. Front or side-entry attached garages are permitted but shall comply with the standards identified in chapter 18.84. An attached, front-entry garage shall be set back at least four feet behind the front plane of the structure to which it is attached. 2. Garage doors located in stucco walls shall be recessed a minimum of three inches from the surrounding building wall.

	3. Garage doors located in wood clad (or similar) siding, or masonry walls shall provide surrounding wood trim with a minimum width of three inches.
<i>Separation between Units</i>	<p>HDUs shall be separated from accessory structures on the same parcel, parcels resulting from an urban lot split, or adjacent parcels by a minimum of six feet, except that the distance between a main structure and an accessory structure shall be allowed to be closer than six feet if all of the following conditions are met:</p> <ol style="list-style-type: none"> 1. These separation requirements would cause the HDU to conflict with the minimum setbacks or unit size otherwise allowed by this chapter. 2. All of the requirements of the building and fire codes are met. 3. If accessory structures are not located closer than three feet to any side or rear property line.
<i>Conveyance:</i>	HDUs must be constructed in a manner adequate to allow for the transfer of title, ownership, rights, and interests in the property, from one entity to another.
<i>Owner Occupancy</i>	<p>In the case where there is no urban lot split, one of the two HDUs shall be occupied by the property owner. The property owner may rent both HDUs to a single party. Rental of any accessory dwelling unit or ADU associated with a HDU shall be as specified in chapter 18.106. The owner shall be a signatory to any lease for the rented unit(s), for which the city may reasonably require a copy of to verify compliance with this chapter and shall be the applicant for any permit issued under this chapter.</p> <p>In the case where there is an urban lot split, the applicant shall sign an affidavit on a form provided by the city stating that the applicant intends to occupy one of the HDUs as his or her principal residence for a minimum of three years from the date of approval of the urban lot split.</p>
<i>Utilities</i>	All HDUs must have separate utility connections and meters concealed from the public right-of-way.

** Measured from the wall of one structure to the wall of the other structure excluding architectural projections.*

ADDITIONAL STANDARDS FOR UNITS POSITIONED ALONG ANY STREET FRONTAGE	
<i>Orientation Requirements:</i>	<p>A minimum of one HDU on each lot shall be oriented with the front entry door to the unit facing the street.</p> <p>Where the housing development comprises two side-by-side detached units positioned along the street frontage, each shall be oriented to face the street. Corner lots with two or more street frontages shall orient the HDUs to face each street.</p>

	<p>Where two HDUs are proposed in an attached configuration on an interior lot, one of the two units shall be oriented such that its front entry door faces the street, and the other unit shall be oriented such that its front entry door is on the building side or rear facade. On a corner lot, it is encouraged, but not required, for the two front entry doors to respectively face the front and street side. In no case, whether on an interior or a corner lot, shall the front entry doors to two attached HDUs be located on the same facade.</p>
<p><i>Street Facing Entries:</i></p>	<p>A street-facing front entry door and landing shall be located between 18 to 36 inches above the existing elevation at the top of the curb. Downslope lots shall be exempted from this requirement.</p> <p>Street-facing front entries shall be clearly identifiable and connected to the public street by a pedestrian path with a minimum width of four feet.</p> <p>Street-facing entries shall provide either a porch or patio that is a minimum of seven feet wide and five feet deep. Unroofed porches or patios, with three open sides, may come to a point not closer than 12 feet to a front property line, or may not project more than eight feet into a required front yard or side yard on the street side of a corner lot, or to a point not closer than three feet to an interior side or rear property line, provided that the height, including railings, shall not exceed six feet above the grade of the ground at the property line.</p> <p>Street-facing doors shall provide six square feet of glazing through any combination of door glazing, sidelights, or transoms.</p>

SUBMITTAL REQUIREMENTS

Plans and documents required for ULS application submittal:

- The plans for urban lot split shall be prepared by a person qualified to prepare subdivision maps, such as a registered civil engineer, licensed surveyor, practicing land or city planner. Such urban lot split shall be in full compliance with the requirements of this chapter. Topography and boundaries of said urban lot split shall be certified as to accuracy by a properly licensed civil engineer or licensed land surveyor, and all public improvements shall be designed by a registered civil engineer.
- Applicant shall sign an affidavit in a form provided by the city stating the applicant intends to occupy one of the housing units on a resulting parcel as his or her principal residence for a minimum of three years from the date of the approval of the urban lot split, except this shall not apply to a community land trust or a qualified nonprofit corporation.
- The tract number and name.
- The name and address of the record owner or owners.
- The date, north point and a written and graphic scale. The scale of the map shall be one inch equals 100 feet, or as may be required by the city engineer, and shall be clearly and legibly reproduced.
- A sufficient description to define the location and boundaries of the proposed urban lot split.
- The locations, names and existing widths of adjacent streets, highways and rights-of-way.
- The names and numbers of adjacent tracts and names of owners of adjacent unplatted land.
- The contours at one-foot intervals for predominant ground slopes within the tract between level and five percent, and five-foot contours for predominant ground slopes within the tract over five percent. Such contours shall be referred to the system of benchmarks established by the city engineer; said system utilizing the North American Datum of 1983 (NAD 83).
- The approximate boundaries of areas subject to inundation or stormwater overflows and the location, width and direction of flow of all existing watercourses and storm drain facilities, plus a schematic diagram indicating the proposed storm drain system with tentative sizes and grades.
- The existing use or uses of the property and, to scale, the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines.
- A statement of the present zoning and proposed use or uses of the property, as well as proposed zoning changes, whether immediate or future.
- Any proposed public area.
- The approximate location of all trees with a trunk diameter four inches or greater, standing within the boundaries of the urban lot split, or outlines of groves or orchards.
- The dimensions, locations and uses of all existing or proposed easements for drainage, sewerage, water, public utilities, and/or access.
- The approximate radius of each curve.
- The approximate lot layout and dimensions of each lot.
- A statement of the water and other utility source, and indication of the location of all fire hydrants, and schematic diagram showing the proposed water system with tentative pipe sizes.

- A statement of provisions for sewerage and sewerage disposal, and a schematic diagram indicating the proposed sanitary sewer system with tentative sizes and grades.
- Sites containing a septic tank system shall provide evidence of a percolation test within the last five years, or, if the percolation test has been recertified, within the last ten years.
- One digital copy in PDF format of a current (dated within six months of application date) preliminary title report. Provide all recorded easements and restrictions.
- Other materials as determined by director of community development or city engineer.

Plans and documents required for HDU application submittal:

- Plot plan (drawn to scale) showing the dimensions of the lot on which the HDUs will be located; the location and dimensioned setbacks of all existing and proposed structures on the site; any existing trees proposed to be removed; all existing and proposed easements; building envelopes; and number and dimensions of parking spaces and curb cuts for the project site.
- Floor plans of each structure, existing and proposed, with each room dimensioned and the resulting gross floor area calculated, as defined in chapter 18.08.
- Elevation drawings of existing and proposed elevations, showing all relevant details of the proposed construction, including but not limited to: dimensions, materials and colors, and any other special characteristics of the project.
- If demolition of any existing building is proposed, a demolition plan showing: (1) the linear feet of existing exterior structural walls to be demolished; (2) a total of the linear feet of exterior structural walls; (3) a calculation indicating existing structural walls to be demolished as a percentage of total existing exterior structural walls; (4) the area to be demolished, with square footage; and (5) a calculation indicating the square footage of the area to be demolished as a percentage of total existing square footage.
- A table detailing the lot size; existing residential unit square footage (with and without the garage) if applicable; square footage of each proposed housing development; and square footage of each proposed accessory dwelling unit or ADU, if applicable.
- Green Building Standards for Compliance Checklist per Section 17.50.040.
- Exterior lighting information: Manufacturer cut sheets with Backlight/Uplight/Glare (B.U.G.) rating, lighting locations indicated on building or site plans, and mounting heights for all proposed exterior fixtures.
- A declaration on a form provided by the city and signed by the property owner with a qualified notary as a witness, indicating whether or not the existing housing on the property has been occupied by a tenant in last three years.
- Sites containing a septic tank system shall provide evidence of a percolation test within the last five years, or, if the percolation test has been recertified, within the last ten years
- Other materials as determined by director of community development or city engineer.

Urban Lot Split and Housing Developments must be submitted via the [Planning Division portal](#) prior to submittal to the Building & Safety Division.