

# DUAL OPPORTUNITY DEVELOPMENT

(SB 9)



## INFORMATION GUIDE

City of Los Altos  
Development Services Department

This guide provides general information regarding Dual Opportunity Development and Urban Lot Splits allowed under the Los Altos Zoning Code and California Senate Bill 9 (SB 9). This informational guide is not intended to be used as a substitute to the Los Altos Zoning Code, which contains detailed regulations.

### What is SB 9?

On January 1, 2022, Senate Bill 9 (the California Housing Opportunity and More Efficiency (HOME) Act) went into effect. The bill allows a housing development containing two residential units on one lot within the R1 (Single-Family Residential) zoning district without discretionary review or a public hearing, subject to certain criteria. SB 9 also allows a lot split to create two lots from one lot in the R1 zoning district without discretionary review, environmental review or a public hearing, subject to certain criteria.

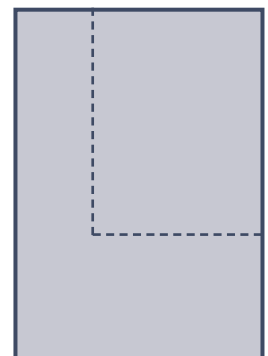
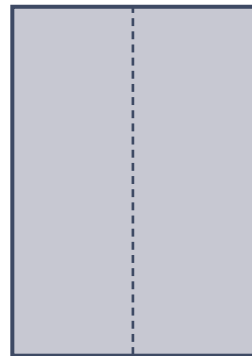
### What is a Dual Opportunity Development?

A dual opportunity development consists of two primary dwelling units, which may be attached or detached, on a qualifying R1-zoned lot.



### What is an Urban Lot Split?

An urban lot split is a one-time, ministerial subdivision of an R1-zoned lot into two lots.



## SB 9 ELIGIBILITY

In order for a lot to be developed or subdivided under SB 9, it must meet several eligibility criteria, which are summarized in the eligibility checklist included in this informational guide and described in detail in the Los Altos Zoning Code. Additionally, for a dual opportunity development and/or urban lot split to be approved, it must be designed in compliance with all applicable development and/or subdivision standards, which are summarized later in this document.

# SB 9 ELIGIBILITY CHECKLIST

<input type="checkbox"/>	The property is zoned R1 (Single-Family Residential). Lots located in multi-family residential, commercial, mixed-use zones, etc. are not subject to these regulations even if single-family residential uses are a permitted use. You may verify your property's zoning designation through the City's <a href="#">GIS Viewer</a> .
<input type="checkbox"/>	The property does not contain a historic resource which includes any property included on the State Historic Resources Inventory as defined in Section 5020.1 of the Public Resources Code, or at a site that is designated by the City as a historic landmark, or listed in the City's historic resource inventory pursuant to Los Altos Municipal Code Chapter 12.44
<input type="checkbox"/>	The dual opportunity development or urban lot split shall not result in the demolition or structural modification of any portion of an existing residential unit that: <ol style="list-style-type: none"><li>1. Is protected by a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.</li><li>2. Housing that is subject to any form of rent or price control.</li><li>3. Has been occupied by a tenant within the three (3) years prior to the submittal of an application to the city.</li></ol>
<input type="checkbox"/>	The property may not contain a dwelling unit that was withdrawn from rental or lease under the Ellis Act at any time within fifteen (15) years before the date of application to the city.
<input type="checkbox"/>	A lot to be subdivided through an urban lot split may not be a lot that was established through a prior urban lot split.
<input type="checkbox"/>	The lot to be subdivided shall not be any lot that was previously subdivided through an urban lot split by the owner of the lot proposed to be subdivided or any party acting in concert with the owner. For the purpose of this section, any party acting in concert with the owner shall include any individual with a familial relation to the property owner (including, but not limited to, parents, children, siblings and spouses), trust, or any business entity in which the property owner has more than ten (10) percent ownership.
<input type="checkbox"/>	Property does not contain any of the site conditions listed in Government Code Section 65913.4, subdivision (a)(6)(B-K), as may be amended from time to time, summarized as follows: <ul style="list-style-type: none"><li>● Prime farmland of statewide importance or land that is zoned or designated for agricultural protection or preservation by the voters.</li><li>● A wetland.</li><li>● Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.</li><li>● A hazardous waste site that has not been cleared for residential use.</li><li>● Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.</li><li>● Within a one hundred (100) year flood hazard area, unless the site has either been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction or meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.</li><li>● Within a regulatory floodway, unless all development on the site has received a no-rise certification.</li></ul>

## Additional Considerations

- **Owner Occupancy Requirement:** In order for an urban lot split to be approved, the property owner must submit a signed affidavit stating that they intend to reside in one of the existing or proposed units as their primary residence for at least three years.
- **No Short-Term Rentals:** Short term rentals are not allowed.

## What are my options?

The Los Altos Zoning Regulations pertaining to dual opportunity developments and urban lot splits provide several options for qualifying properties. Additionally, your project may include accessory dwelling units and/or junior accessory dwelling units as well.

### Option 1: No Lot Split

A lot containing a dual opportunity development that was **not** created through an urban lot split may contain up to:

- Two attached or detached primary dwelling units
- Two accessory dwelling units (ADUs\*), and
- Two junior accessory dwelling units (JADUs\*).

### Option 2: Lot Split

A lot containing a dual opportunity development that **was** created through an urban lot split may contain up to:

- Two attached or detached primary dwelling units
- Two accessory dwelling units (ADUs\*), and
- Two junior accessory dwelling units (JADUs\*).

\* ADUs and JADUs must comply with their respective standards.

## Urban Lot Split Standards

Any lot created through an urban lot split must comply with the following standards:

Minimum Lot Size	40% of the size of the lot to be subdivided, but no less than 1,200 square feet.
Lot Frontage and Design	Each lot shall adjoin a public or private street with a minimum frontage of 20 feet in width. Lot lines shall be organized to be parallel and perpendicular to the street on straight streets and approximately radial on curved streets, to the extent possible.

## Objective Development Standards

Any project proposing an urban lot split or dual opportunity development shall comply with the following:

Coverage	One-story structures with a maximum height of 20 feet shall have a maximum lot coverage of 35 percent of the total site area. One-story structures exceeding 20 feet in height or two-story structures shall have a maximum lot coverage of 30 percent of the total site area.
Floor Area Ratio	None
Setbacks	Front: 25 feet for the first story; 30 feet for the second story
	Side: 4 feet
	Rear: 4 feet
Height	Maximum building height is two stories and 27 feet. Flag lots shall be limited to one story and 20 feet in height.
	Maximum first floor plate height: 10 feet
	Maximum second floor plate height: 9 feet
	Maximum entry porch plate height: 12 feet
Basements	Basements shall not extend beyond the floor area of the first floor.
	Light wells, ingress and egress wells, patio wells, and other similar elements shall not be permitted within a required setback.
	Light wells, ingress and egress wells, patio wells, and other similar elements shall utilize vertical retaining walls. Contour graded slopes, which expose the basement as a story, are prohibited.
	Light wells, ingress and egress wells, patio wells, and other similar elements shall be at least 75 percent open in area to light and air above.
Second Story Decks and Balconies	Second-story decks and balconies are allowed only on the front elevation facing a public or private street and shall meet the side setbacks. The maximum size of any one deck or balcony shall be 25 square feet and have a maximum depth of four feet. A deck on the roof of a two-story structure is prohibited.
Landscaping	A minimum of 50 percent of the required front yard setback shall be landscaped.
Parking	A minimum of one covered space per unit within a garage or carport with a minimum interior dimension of nine feet in width by 18 feet in length. Parking for accessory dwelling units shall be provided separately as required under Chapter 14.14.
Fences	Fences shall be subject to the zoning standards of the underlying zoning district.
Outdoor Kitchens, BBQs, Fireplaces, and Swimming Pools	Outdoor kitchen, barbecues, fireplaces, and swimming pools shall be subject to the zoning standards of the underlying zoning district.
Accessory Structures	Accessory structures shall be subject to the zoning standards of the underlying zoning district.
Signs	Signs shall be subject to the zoning standards of the underlying zoning district.

\*All development standards shall be modified as necessary if they preclude two single-family units with a minimum size of 800 square feet and four-foot side and rear yard setbacks.

## Objective Design Standards

Any project proposing an urban lot split or dual opportunity development shall comply with the following:

### Building and Site Standards

1. Attached garages shall be recessed a minimum of one foot from the front elevation wall plane of the residence.
2. When a three-car attached garage is proposed, visual impact shall be reduced by, (i) using a tandem parking layout inside a two-car-wide garage; (ii) using three single-car-wide garage doors instead of a double and a single garage door; or (iii) setting back one of the doors from the others
3. Each property is prohibited from more than one curb cut or driveway accessing a street unless the subject site is fronting a city's arterial or collector street.
4. A curb cut or driveway width connecting to a public or private street shall be no greater than 20 feet in width.
5. No more than two types of roof forms and two roof pitches shall be used.
6. Building entrances shall be oriented towards the street.
7. Facade articulation shall be provided with at least six corners on the first floor.
8. Building entrances shall have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and a minimum horizontal area of thirty (30) square feet. Any corners within the building entrances shall not count as part of the corners as required above.
9. Windows and doors shall either be trimmed or recessed. When trimmed, the trim material shall not be less than 3.5" in width by 1" in depth when protruding from the wall. When recessed, the building primary siding material shall cover the recessed edge faces and wrap toward the interior face of the window glazing or door face by not less than 2 inches in depth.
10. On elevations that are facing interior side property lines, a minimum sill height of 5' is required for all second-floor windows.
11. Provide an inset/offset or plane change on long walls of greater than 25 feet in length.
12. First floor finished elevation shall be no more than twenty-two (22) inches above existing natural grade on a non-hillside lot.
13. For a hillside property, a stepped foundation is required where the average slope beneath the proposed structure is 10% or greater.
14. No exterior staircase above ground shall be allowed.
15. Except for pathway lighting, outdoor lighting fixtures shall be downward facing and fully shielded or recessed.

## Objective Design Standards

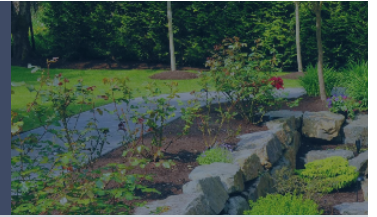
Any project proposing an urban lot split or dual opportunity development shall comply with the following:

### Construction Materials and Colors



1. Foam trim with a painted stucco finish is prohibited.
2. Mixing roof materials and colors is not allowed except for curved dormers and shed roof structures.
3. Exterior finish including wainscoting used for one structure shall be no greater than three different materials. Each material may be a different color, but every part of exterior finish comprised of a single material shall be a single color.
4. Architectural detailing shall be incorporated such as window and door trim, belly bands, cornices, shutters, column accents to the entry porch, and railings in an integrated composition.

### Landscaping and Screening Vegetation



1. For lots five thousand (5,000) square feet in size or greater, a minimum of two medium to large canopy size trees shall be planted with at least one tree planted in the front yard. For each additional five thousand (5,000) square foot lot size, an additional medium to large canopy size tree shall be planted onsite.
2. For lots with less than five thousand (5,000) square feet in size, a minimum of one, medium to large canopy size tree shall be planted onsite.
3. Screening vegetation shall be required within lines of sight from each jamb of any second-floor windows with a sill height of less than 5' to the side or rear property lines and within lines of sight to any side property line for any proposed second story deck or balcony.
4. Any required screening vegetation shall be evergreen species reaching at least fifteen feet through twenty feet in height at maturity with permanent irrigation.
5. All projects shall comply with the City's Water Efficiency Landscape Ordinance (WELO).



## Dual Opportunity Development Process



**Step 1: Review the Regulations.** Review the dual opportunity development standards and requirements to determine if it's right for you. Contact the Planning Division at (650) 947-2750 or [planning@losaltosca.gov](mailto:planning@losaltosca.gov) for questions related to zoning regulations. Contact the Building Division at (650) 947-2752 or [building@losaltosca.gov](mailto:building@losaltosca.gov) to discuss Building Code and building permit requirements.



**Step 2: Submit your Planning Permit.** Work with an architect or engineer to prepare your planning application submittal. Submittal Requirements are noted on the [SB 9 webpage](#). Once your plans are prepared, [submit a planning application](#) to the Planning Division.



**Step 3: Submit your Building Permit.** Once your Planning permit is approved, work with an architect or engineer to prepare building plans. Once your plans are prepared, [submit a building permit application](#) to the Building Division.



**Step 4: Permit Issuance and Inspections.** The plans may require more than one round of City review. Once the plans are in good order and demonstrate compliance with applicable requirements, a building permit will be issued. Once the building permit is issued, construction may commence. Inspections can be scheduled through the [Building Division's webpage](#).

## Urban Lot Split Process



**Step 1: Review the Regulations.** Review the Urban Lot Split standards and requirements to determine if an Urban Lot Split is right for you. Contact the Planning Division at (650) 947-2750 or [planning@losaltosca.gov](mailto:planning@losaltosca.gov) for questions related to the process or requirements.



**Step 2: Submit your Tentative Parcel Map.** Work with a civil engineer to prepare your subdivision map. Submit an application for a Tentative Parcel Map for an urban lot split to the Planning Division. Submittal Requirements are noted on the [SB 9 webpage](#). Once you're ready to submit, follow the [instructions for electronic application submittal](#).



**Step 3: Final Map and Building Permits.** Once the Tentative Parcel Map is approved, you will need to submit a final parcel map to the Engineering Division. If your project requires a building permit, it may also be submitted at this stage.



**Step 4: Final Map and Building Permit Issuance.** Once the final parcel map is approved by the Engineering Division, you will need to have it recorded at the Santa Clara County Assessors Office to establish the lots. Once the building permit is issued, construction may commence. Inspections can be scheduled through the [Building Division's webpage](#).