

## Re: Senate Bill 9 (SB 9) Guidance

Huan Liang &lt;[REDACTED]&gt;

Tue 8/23/2022 9:15 AM

To: Laura Richstone &lt;lrichstone@cityofsanmateo.org&gt;

Hi Laura,

Thank you for the clarification. This is very helpful.

Thanks,

Huan Liang

[REDACTED]

[REDACTED]

On Aug 22, 2022, at 5:43 PM, Laura Richstone <[lrichstone@cityofsanmateo.org](mailto:lrichstone@cityofsanmateo.org)> wrote:

Hi Huan,

The proposed draft ordinance is scheduled to go before the Planning Commission tomorrow night for review and recommendation. If the Planning Commission provides a recommendation the draft ordinance would be scheduled to go before the City Council in mid to late September for first reading, October for a second reading, and potentially become effective in Oct./Nov.

The staff report, draft ordinance, agenda, and virtual log-in information for the 8/23 Planning Commission meeting can be found here: <https://sanmateo.primegov.com/Portal/Meeting?meetingTemplateId=6072>

Though the ordinance is in draft form, the City is currently accepting SB 9 applications.

Please let me know if you have further questions.

Thank you

<[Outlook-z2l50ck4.png](#)> **Laura Richstone**

Associate Planner | Community Development Department

330 W. 20th Ave., San Mateo, CA 94403

650-522-7205 | [lrichstone@cityofsanmateo.org](mailto:lrichstone@cityofsanmateo.org)

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**From:** Huan Liang <[REDACTED]>**Sent:** Monday, August 22, 2022 3:23 PM**To:** Laura Richstone <[lrichstone@cityofsanmateo.org](mailto:lrichstone@cityofsanmateo.org)>**Subject:** Senate Bill 9 (SB 9) Guidance

Hi Laura,

I hope this email finds you well.

One of my client is interested in the lot split for a property located in the R1C zone in the City of San Mateo. I had checked the city website and find the draft ordinance: <https://www.cityofsanmateo.org/4598/Senate-Bill-9-SB-9-Guidance>. It shows late 2022, City Council Public Hearing to review proposed ordinance.

When will the city SB 9 ordinance becomes official?

As the ordinance is still a draft, can a proposal submit for permit for SB 9?

Looking forward to hear back,

Thanks,  
Huan Liang

[REDACTED]

[REDACTED]

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## Re: SB9 Draft Ordinance Clarifications

Laura Richstone <lrichstone@cityofsanmateo.org>

Mon 8/22/2022 4:31 PM

To: Aaron Hollister <[REDACTED]>

Bcc: Manira Sandhir <msandhir@cityofsanmateo.org>; Linda Ly <lly@cityofsanmateo.org>; Ashley Snodgrass <asnodgrass@cityofsanmateo.org>

Hi Aaron,

An SB 9 Duplex Development project (no urban lot split), that proposes over 50% demolition of an existing unit, and new construction of a unit(s) over 800 sq. ft. in size would be a discretionary permit and would follow the typical discretionary permit path. In this case, the discretionary SUP and discretionary SB 9 application would be decided by the ZA and could potentially be appealed to the Planning Commission and City Council

To your question, yes. It is possible that a discretionary permit could skip the ZA decision and be initially decided by the Planning Commission.

Please let me know if you have any questions or have a specific property in mind that you would like to discuss.

Thank you,



### Laura Richstone

Associate Planner | Community Development Department  
330 W. 20th Ave., San Mateo, CA 94403  
650 522 7205 | lrichstone@cityofsanmateo.org



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**From:** Aaron Hollister <[REDACTED]>

**Sent:** Monday, August 22, 2022 3 54 PM

**To:** Laura Richstone lrichstone@cityofsanmateo.org

**Subject:** RE SB9 Draft Ordinance Clarifications

Thank you for these clarifications, Laura! Super helpful.

I have a few more questions based on the information that you provided. I should not have further questions after that

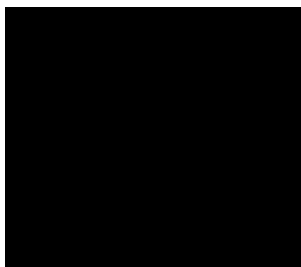
In the instance of the SUP ZA Discretionary Decision for a duplex (no urban lot split), I would assume the appeal would be considered by the Planning Commission. If so, could the project be appealed again to City Council? Can the ZA refer the matter to the Planning Commission, or could a commissioner or council member call up the ZA decision to the Planning Commission?

What are the SUP findings that the ZA would need to make to approve the project?

Thanks,

**Aaron Hollister**

Senior Development Manager, Northern California Division

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**From:** Laura Richstone <lrichstone@cityofsanmateo.org>**Sent:** Monday, August 22, 2022 2:48 PM**To:** Aaron Hollister **Subject:** Re: SB9 Draft Ordinance Clarifications

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Hi Aaron,

Thanks for reaching out. Please see responses in green below:

For projects that propose 100% demolition of an existing single family residence and construction of an SB9 duplex, which entity (staff, ZA, PC, etc.) would issue the decision on the required Special Use Permit and would public notice on the SUP be required? I'm assuming the SUP application would be submitted concurrently with the SB9 application.

The SUP application would be submitted concurrently with the SB 9 application

Decision making authority for the SUP depends on the SB 9 application type and project size: No lot split & units 800 sq. ft. or less = ministerial SUP, staff level permit/ZA decision maker; No lot split & units larger than 800 sq. ft. = discretionary SUP; ZA decision maker, appealable; All Urban lot splits = ministerial SUP (however the SB 9 application may be discretionary if units are over 800 sq ft )

Regarding the screening criterion for previous tenant occupancy, can a property owner's children live in an existing residence without paying rent (without the parent-owner living there) and have the property considered to be a non tenant occupied property?

Yes

Would a property in a mapped CGS Landslide Zone (with no other applicable hazard zone) preclude the property from utilizing SB9? The state and local regulations are clear on fault zones, but landslide zones are not as clear. I would suppose the landslide zone issue would come down to a geotechnical investigation with implementable construction design recommendations to minimize landslide risk considerations.

I do not believe a location within a landslide zone would preclude a property from using SB 9 but it would have to meet all geotech and building standards. If the project does not meet these standards then the Building Official may deny the project.

Thank you,



## Laura Richstone

Associate Planner | Community Development Department

330 W. 20th Ave., San Mateo, CA 94403

650-522-7205 | [lrichstone@cityofsanmateo.org](mailto:lrichstone@cityofsanmateo.org)



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**From:** Aaron Hollister [REDACTED]  
**Sent:** Saturday, August 20, 2022 10:40 AM  
**To:** Laura Richstone <[lrichstone@cityofsanmateo.org](mailto:lrichstone@cityofsanmateo.org)>  
**Subject:** SB9 Draft Ordinance Clarifications

Hi Laura,

I have a few questions/clarifications regarding the draft SB9 ordinance.

For projects that propose 100% demolition of an existing single-family residence and construction of an SB9 duplex, which entity (staff, ZA, PC, etc.) would issue the decision on the required Special Use Permit and would public notice on the SUP be required? I'm assuming the SUP application would be submitted concurrently with the SB9 application.

Regarding the screening criterion for previous tenant occupancy, can a property owner's children live in an existing residence without paying rent (without the parent-owner living there) and have the property considered to be a non-tenant-occupied property?

Would a property in a mapped CGS Landslide Zone (with no other applicable hazard zone) preclude the property from utilizing SB9? The state and local regulations are clear on fault zones, but landslide zones are not as clear. I would suppose the landslide zone issue would come down to a geotechnical investigation with implementable construction design recommendations to minimize landslide risk considerations.

Thanks for any insight.

**Aaron Hollister**

Senior Development Manager, Northern California Division



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