

EXHIBIT A

Title 10. Zoning and Site Development

Chapter 1. Zoning

Article 15. Objective Standards for Qualified Senate Bill 9 Subdivisions and Development Projects

10-1.1501 Purpose and Intent.

The purpose of this article is to establish objective standards and regulations to govern the development of qualified Senate Bill 9 subdivisions and development projects on residential zoned properties within the Town of Los Altos Hills. The establishment of these regulations will result in the orderly subdivision and development of qualified Senate Bill No. 9 (2021) (“SB 9”) projects while ensuring that the new units are consistent with the semi-rural character of the Town and do not create any significant impacts with regards to public infrastructure or public safety. The regulations are established to implement the requirements under California Government Code Sections 65852.21 and 66411.7.

10-1.1502 Definitions.

For purposes of this article, the following definitions apply:

- (a) “Accessory dwelling unit” or “ADU”, means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a parcel with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (b) “Dwelling unit” includes an ADU, JADU, a primary dwelling unit, and a SB 9 dwelling unit.
- (c) “Junior accessory dwelling unit” or “JADU”, or “efficiency unit”, means a dwelling unit that is up to 500 square feet in size and contained entirely within an existing primary dwelling unit that provides an efficiency kitchen and a separate exterior entrance, and may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- (d) “Conservation Easement” means restrictive covenants that run with the land and bind upon successive owners that protects against future development such as preservation of open space, scenic, riparian, historical, agricultural, forested, or similar conditions. Open space and riparian easements are included in this definition.
- (e) “Existing dwelling unit” means a primary dwelling unit or other dwelling unit on a parcel that exists prior to any voluntary demolition or reconstruction or remodel where no more than 50% of the exterior wall framing has been removed or altered. Any existing dwelling

unit where more than 50% of the exterior wall framing has been removed is considered a new dwelling for purposes of this article.

- (f) “Panhandle” means the narrow strip of land on a flag lot, typically less than 30 feet in width, that provides access to a public or private road.
- (g) “Primary dwelling unit” means a single-family residence on the parcel and is the larger of the two if there is an existing accessory dwelling unit on the parcel.
- (h) “Private Road” means a road, way, or street in private ownership and under private maintenance, not offered for dedication as a public road, way, place, or street, which affords the principal means of access to three or more lots or parcels which do not have frontage on a public street.
- (i) “SB 9 dwelling unit” or “SB 9 unit” means a dwelling unit that is developed using the provisions in this article and the provisions identified in California Government Code Sections 65852.21 and 66411.7.

10-1.1503 Eligibility of properties for a subdivision.

The following parcels are not eligible for a subdivision under this article:

- (a) Any parcel that was established through a prior exercise of a subdivision as provided for in this article.
- (b) Any parcel proposing to be subdivided that is adjacent to another parcel where either the owner of the parcel proposing to be subdivided or any person acting in concert with said owner has previously subdivided that adjacent parcel using the provisions in this article. For the purposes of this article, “any person acting in concert” with the owners includes, but is not limited to, an individual or entity operating on behalf of, acting jointly with, or in partnership or another form of cooperative relationship with, the property owner.
- (c) Any parcel located within an historic district or included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or a parcel within a site that is designated or listed as a Town of Los Altos Hills or Santa Clara County landmark or historic property or district pursuant to a Town of Los Altos Hills or Santa Clara County ordinance.
- (d) Any parcel where the subdivision would require the demolition or alteration of any of the following types of housing:
 - (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - (3) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 - (4) Housing that has been occupied by a tenant in the last three years.
- (e) Any parcel fully encumbered with a conservation easement or identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3

of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

- (f) Any parcel that is designated prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure.
- (g) Any parcel containing wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993), that would prevent the development of the parcel.
- (h) Any parcel within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subsection does not apply to parcels that have been excluded from specific hazard zones by actions of the Town pursuant to Government Code section 51179(b), or parcels that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
- (i) Any parcel with a hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- (j) Any parcel within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by the FEMA. However, a subdivision and/or development project may be located on a parcel described in this subsection if (1) the parcel is otherwise eligible for approval under the provisions of this article and (2) the project applicant is able to satisfy all applicable federal qualifying criteria demonstrating either of the following are met:
 - (1) The site has been subject to a Letter of Map Revision prepared by the FEMA and issued to the Town.
 - (2) The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- (k) Any parcel within a regulatory floodway as determined by the FEMA in any official maps published by the FEMA, unless the subdivision and/or development project has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

- (l) Any parcel containing habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

10-1.1504 Objective standards and requirements for a subdivision.

The following objective standards and regulations apply to all subdivisions under this article:

- (a) A Parcel Map and a Subdivision Application shall be submitted to the Town for all proposed subdivisions.
- (b) The subdivision shall create no more than two new parcels of approximately equal area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no instance shall any resulting parcel be smaller than 1,200 square feet in area.
- (c) Existing parcels shall be split approximately perpendicular to the longest contiguous property line.
- (d) The subdivision shall not result in a new parcel with an average width that is less than the average width of the original parcel. Any panhandle on a flag lot shall not be used to calculate the average width. However, this requirement shall be waived if the subdivision applicant demonstrates that it would prohibit a subdivision that otherwise meets the requirements of subsection (b).
- (e) The front parcel line of any newly created parcel shall be the parcel line that is closest to or parallel to the public or private road that serves the parcel.
- (f) A 25-foot-wide panhandle (for a flag lot) or an ingress/egress easement shall be provided for all new parcels that do not have direct frontage on a public or private road. Driveway access to the new parcels shall be shared unless the new driveways are a minimum of 100 feet apart.
- (g) Easements for access and public and private utilities shall be provided for any newly created parcel that does not front on a public or private street.
- (h) Separate utility meters shall be provided for each parcel prior to recordation.
- (i) All newly created parcels shall be connected to public sewer or provide a private wastewater system that is fully contained within the new parcel boundaries.
- (j) No setbacks shall be required for an existing structure on the parcel from a proposed parcel line.
- (k) The subdivision is subject to all impact or development fees related to the creation of a new parcel.
- (l) Upon receipt of a subdivision application using the provisions of this article, the Town shall notify all owners and occupants within a 500-foot radius from the subject parcel that a parcel map has been filed with the Town.
- (m) A note on the parcel map and a recorded deed restriction in a form approved by the City Attorney's Office shall be applied to all newly created parcels indicating that the parcel

was split using the provision of this article and that no further subdivision of the parcels is permitted. In addition, the deed restriction shall stipulate that all new units developed on the new parcels shall be income restricted to low and very low-income households based on the most recent Santa Clara County Area Median Income (AMI) levels.

- (n) Prior to the recordation of the parcel map, the applicant shall sign and record an affidavit stating that the applicant intends to reside in one of the proposed or existing primary dwelling units or SB 9 units for three years from the date of the approval of the subdivision. This requirement shall not apply if the applicant is a community land trust or a qualified nonprofit corporation as provided in Sections 402.1 and 214.15 of the Revenue and Taxation Code.

10-1.1505 Objective standards and requirements for new dwelling units on a parcel that is not being subdivided.

The following objective standards and regulations apply to all new development on a parcel, including primary dwellings, SB 9 dwelling units, an ADU, or a JADU attached to the primary dwelling, that are developed under the provisions of this article on a parcel that is **not** being subdivided:

- (a) The following development is permitted on the parcel:
 - (1) a primary dwelling unit and an SB 9 unit (or two SB 9 units);
 - (2) an ADU; and
 - (3) a JADU

No more than three detached dwelling units are permitted on the parcel.

- (b) The maximum floor area (MFA) and maximum development area (MDA) permitted on the parcel shall be determined through the Lot Unit Factor (LUF) number as defined in Section 10-1.202 of the Municipal Code, excepting that 800 square feet of additional floor area and development area beyond the MFA/MDA is permitted for an ADU and 800 square feet of additional MFA/MDA is permitted for an SB 9 unit that is not the primary dwelling.
- (c) The maximum floor area of an SB 9 unit shall be 800 square feet. Basements and bunkers are not permitted.
- (d) The minimum setback for any new SB 9 dwelling unit shall be 40 feet from the front parcel line and four (4) feet from the side and rear parcel lines.

Exception:

No setback is required for a new SB 9 dwelling unit constructed in the same location as an existing structure on the parcel.

Incentive:

If the SB 9 dwelling unit meets the 40-foot front yard and 30-foot side and rear yard setbacks, the maximum floor area can be up to 1,600 square feet where 800 square feet is included in the MFA calculated pursuant to subsection (b) above (basement or bunker not permitted). The parcel owner utilizing this incentive shall record a deed restriction in a form approved by the City Attorney's Office stipulating that no further subdivision of the parcel is permitted.

- (e) The maximum height of the SB 9 dwelling unit shall be 16 feet.

- (f) One uncovered parking space, located a minimum of 40-feet from the front parcel line and 30 feet from the side and rear parcel lines, is required for each dwelling unit, except as provided in Section 10-1.1403(g)(3) of the LAHMC or California Government Code Section 65852.21(c)(1)(A)(B).

The parking space shall be at least 10 feet wide by 20 feet deep.

- (g) A solid (no openings) one-hour rated fire wall is required between any SB 9 unit and the primary dwelling unit or an ADU.
- (h) Driveway access to all new units shall be compliant with the Santa Clara County Fire Department standard details and specifications for driveways and turnarounds.
- (i) The owner shall sign and record an affidavit placing a covenant that will run with the parcel to confirm that the owner will reside in either the primary dwelling unit or an SB 9 unit on the parcel for three years from the issuance of an SB 9 dwelling unit's Certificate of Occupancy and closing of all construction permits pertaining to the parcel.
- (j) All newly created dwelling units shall be connected to public sewer or provide a private wastewater system that is fully contained within the parcel boundaries.
- (k) All outdoor patios, covered patios, decks, and other hardscape shall meet the Town's minimum 40-foot front yard and 30-foot side and rear yard setbacks.
- (l) No dwelling unit shall be rented for a period of less than thirty-one (31) days and cannot be occupied as a short-term rental unit, as defined under section 10-1.1202.
- (m) An SB 9 dwelling unit may be rented separately from the primary dwelling unit.
- (n) Development projects pursuant to this section shall be subject to all impact or development fees related to the development of a new dwelling unit.
- (o) Notwithstanding the foregoing, no housing development project shall be permitted on a site pursuant to this article if the underlying parcel falls within any provision under Section 10-1.1503 (c) through (l).

10-1.1506 Objective standards and requirements for dwelling units on a parcel subdivided pursuant to this article.

The following objective standards and regulations apply to all development on a parcel that has been subdivided or concurrently subdivided under the provisions of this article:

- (a) The following development is permitted on the parcel:
 - (1) A primary dwelling unit and an SB 9 unit; or
 - (2) Two SB 9 units.
 - (3) If there is an existing primary dwelling unit and ADU on the property, then no further development is permitted for that property.
- (b) The maximum floor area (MFA) permitted on each lot shall be 1,600 square feet.

Exception:

If there is an existing primary dwelling unit on the parcel, then the floor area of the existing residence cannot be increased, and any SB 9 dwelling unit shall not exceed 800 square feet.

- (c) The maximum development area (MDA) permitted on the parcel shall be 1,600 square feet plus an additional 2,100 square feet.

Exception:

If there is an existing primary dwelling unit on the parcel, then the maximum development area on the parcel shall be limited to the existing approved development area on the parcel plus an additional 800 square feet.

- (d) Setbacks and Floor Area: The minimum setback for any new primary dwelling unit or SB 9 dwelling unit shall be 40 feet from the front property line and four (4) feet from the side and rear property lines and the maximum floor area on the property shall be 1,600 square feet. Basements and bunkers are not permitted.

Exception:

No setback is required for a new SB 9 dwelling unit constructed in the same location as an existing structure on the parcel.

- (e) The maximum height of all new SB 9 dwelling units shall be 16 feet. If there is an existing primary dwelling on the parcel, then then the maximum height of the existing residence cannot be increased.
- (f) One uncovered parking space, located a minimum of 40-feet from the front property line and 30 feet from the side and rear property lines, is required for each new dwelling unit, except as provided in Section 10-1.1403(g)(3) of the LAHMC or California Government Code Section 65852.21(c)(1)(A)(B).

The parking space shall be at least 10 feet wide by 20 feet deep. All parking required for an existing primary dwelling on the parcel shall be retained.

- (g) If the two SB 9 dwelling units are configured as a duplex on a parcel, a solid one-hour fire wall between the units is required. In addition, a deed restriction in a form approved by the City Attorney's Office shall be recorded stipulating that the duplex shall be maintained as two separate units.
- (h) If the parcel is fully developed with the number of units permitted under 10-1.1506 (a) above, then the applicant or property owner shall record a deed restriction in a form approved by the City Attorney's Office stipulating that no further development of the parcel is permitted.
- (i) Driveway access to all new units shall be compliant with the Santa Clara County Fire Department standard details and specifications for driveways and turnarounds.
- (j) If the proposed dwelling units are developed subsequent to a subdivision completed pursuant to this Article, the owner shall sign and record an affidavit placing a covenant that will run with the parcel to confirm that the owner intends to reside in either the primary dwelling unit or an SB 9 unit on the parcel for three years from the issuance of an SB 9 dwelling unit's Certificate of Occupancy and closing of all construction permits pertaining to the parcel.
- (k) All newly created dwelling units shall be connected to public sewer or provide a private wastewater system that is fully contained within the parcel boundaries.
- (l) All outdoor patios, covered patios, decks, and other hardscape shall meet the minimum 40-foot front yard and 30-foot side and rear yard setbacks.

- (m) No dwelling unit shall be rented for a period of less than thirty-one (31) days and cannot be occupied as a short-term rental unit, as defined under section 10-1.1202.
- (n) An SB 9 dwelling unit may be rented separately from the primary dwelling unit.
- (o) Any development constructed in accordance with this section shall be subject to all impact or development fees related to the development of a new dwelling unit.
- (p) Notwithstanding the foregoing, no housing development project shall be permitted on a site pursuant to this article if the underlying parcel falls within any provision under Section 10-1.1503 (c) through (l).

10-1.1507 Objective building and design requirements for all SB 9 dwelling units.

All SB 9 dwelling units shall be reviewed and approved without discretionary review or a hearing. As part of the Planning Department's ministerial approval, the following objective design requirements shall be confirmed:

- (a) The design of the dwelling unit shall be as follows:
 - (1) For a detached unit, the exterior materials and design shall match the design of any existing primary dwelling unit on the parcel through the use of the same exterior wall materials, identified color tones, window types, door and window trims, roofing materials and roof pitch.
 - (2) For an attached unit, the exterior materials, windows and other architectural features shall match the existing structure by employing the same building form, color tones, window design, door and window trims, roofing materials and roof pitch.
- (b) Exterior wall colors and materials shall have a light reflectivity value (LRV) of 50 or less and roof materials shall have a light reflectivity value (LRV) of 40 or less.
- (c) Exterior building lighting shall be fully shielded and downward facing and limited to one exterior light fixture per exterior doorway, or the minimum necessary to comply with the California Building Standards Code.
- (d) All new dwelling units are required to have fire sprinklers.
- (e) All portions of the SB 9 dwelling unit, include eave overhangs and other projections, shall meet the required minimum setbacks as set forth in this article.
- (f) No roof decks are permitted on SB 9 dwelling units.
- (g) A hedge, consisting of 15-gallon minimum evergreen shrubs at 5-foot intervals, shall be planted along the parcel line (and outside of any easement) adjacent to the wall of the SB 9 dwelling unit that is closest to the parcel line.
- (h) Structures shall not be located in the following locations:
 - (1) In areas encumbered by a recorded easement, including but not limited to, public utility easements, conservation easements, access easements, pedestrian pathway easements and open space easements;
 - (2) In areas within twenty-five (25) feet of the top of a creek bank;
 - (3) In areas within the critical root zone of a heritage oak as defined in Section 12-2-101 of the LAHMC. Review and approval of an arborist report prepared by a

licensed or consulting arborist is required if a structure is proposed within the critical root zone of a heritage oak tree.

- (4) Within 10 feet of a parcel line where a pathway is designated on the adopted Master Path Plan for the Town of Los Altos Hills.
 - (5) Areas with slopes greater than forty percent (40%).
- (i) All electrical and utility services to a new dwelling unit shall be undergrounded.
 - (j) Notwithstanding the foregoing subsections, any development or design standards that physically precludes an SB 9 dwelling unit from being 800 square feet in floor area shall be waived.

10-1.1508 Permit review process.

All applications for lot splits and new development using this article shall be ministerially approved without public hearings or discretionary review.

10-1.1509 Fees.

The City Council may establish and set by resolution all fees and charges, consistent with Government Code sections 65852.2 and 65852.22, and related provisions, as may be necessary to effectuate the purpose of this article.

5013263.2