



TOWN OF FAIRFAX

STAFF REPORT

March 3, 2021

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Authorize Mayor to send letter to Senator Mike McGuire opposing SB 9 (Atkins) "Increased Density in Single-Family Zones"

RECOMMENDATION

Authorize Mayor Ackerman to send a letter opposing SB 9 (Atkins) "Increased Density in Single-Family Zones".

DISCUSSION

Councilmember Coler asked that this item be added to tonight's agenda. Senate Bill 9 will be heard by the Senate Committee on Housing in the coming weeks. This bill is a reintroduction of SB 1120, which failed last year. The League of California Cities is recommending cities and towns send a letter opposing the bill unless amended. The League provided the attached sample letter, as well as the information below.

What Does SB 9 Specifically Do?

- Requires a local government to ministerially approve a housing development containing two residential units in single-family residential zones.
- Requires a local government to allow a developer to convert an existing single-family home into a duplex and then add an accessory dwelling unit (ADU) and a junior accessory dwelling unit (JADU) to the same parcel.
- Requires a local government to ministerially approve a single-family lot split, creating two lots, and allowing the construction of one single-family home, one ADU, and one JADU on each lot for a total of six units on a parcel originally zoned for one single-family home.

Cal Cities is Seeking the Following Amendments to SB 9:

- Clarify that a property owner using SB 9 is limited to constructing two residential units, not two residential units and additional accessory dwelling units (ADUs) on the same parcel.
- Require a housing developer to acquire a building permit within one year of a lot split, so that speculators do not sell lots and never build homes.

- Allow local governments to require adequate access for police, fire and other public safety vehicles and equipment.
- Prohibit developers from using SB 9 in very high fire hazard severity zones.
- Allow cities to determine a range of lot sizes suitable for SB 9 development projects.
- Ensure HCD provides Regional Housing Needs Allocation (RHNA) credit for production of SB 9 units.
- Allow local governments to take into account local conditions such as hillsides, lot dimensions, natural hazards, available infrastructure, etc. when approving or denying housing project applications.
- Allow local governments to continue to determine parking standards.
- Ensure large-scale investors and builders do not exploit SB 9 provisions.

ATTACHMENT

Sample letter

SAMPLE LETTER

The Honorable Toni Atkins
President pro Tempore, California State Senate
State Capitol Building, Room 205
Sacramento, CA 95814

**RE: SB 9 (Atkins) Increased Density in Single-Family Zones
Oppose Unless Amended (As Introduced 12/7/2020)**

Dear Senate President pro Tempore Atkins,

The Town of Fairfax writes to express an Oppose Unless Amended position on your SB 9, which would require a local government to ministerially approve a housing development containing two residential units in single-family residential zones. Additionally, this measure would require local governments to ministerially approve urban lot splits.

Housing affordability and homelessness are among the most critical issues facing California cities. Affordably priced homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in the state. Cities lay the groundwork for housing production by planning and zoning new projects in their communities based on extensive public input and engagement, state housing laws, and the needs of the building industry.

While your desire to pursue a housing production proposal is appreciated, unfortunately, SB 9 as currently drafted would not spur much needed housing construction in a manner that supports local flexibility, decision-making, and community input. State driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements that are certified by the California Department of Housing and Community Development (HCD).

The Town of Fairfax requests the following amendments to address our concerns and remove our opposition:

- Clarify that a property owner using SB 9 is limited to constructing two residential units, not two residential units and additional accessory dwelling units (ADUs) on the same parcel;
- Require a housing developer to acquire a building permit within one year of a lot split, so that speculators do not sell lots and never build homes;
- Allow local governments to require adequate access for police, fire and other public safety vehicles and equipment;
- Prohibit developers from using SB 9 in very high fire hazard severity zones;
- Allow cities to determine a range of lot sizes suitable for SB 9 development projects;
- Ensure HCD provides Regional Housing Needs Allocation (RHNA) credit for production of SB 9 units;
- Allow local governments to take into account local conditions such as hillsides, lot dimensions, natural hazards, available infrastructure, etc. when approving or denying housing project applications;
- Allow local governments to continue to determine parking standards; and
- Ensure large-scale investors and builders do not exploit SB 9 provisions.

Fairfax is committed to being part of the solution to the housing shortfall across all income levels and will continue to work collaboratively with you to spur much needed housing construction. Thank you for considering the above amendments.

For these reasons, the Town of Fairfax opposes SB 9 (Atkins) unless it is amended to address our concerns.

Sincerely,

Bruce Ackerman
Mayor
TOWN OF FAIRFAX

cc. Senator Mike McGuire & Assembly Member Marc Levine
Nancy Hall Bennett, League of Ca Cities, nbennett@cacities.org
League of California Cities (Via email: cityletters@cacities.org)