

Gregory Andrew

San Rafael Ca. 94903

July 29, 2022

San Rafael City Council
1400 Fifth Street
San Rafael, CA. 94901
Via email: city.clerk@cityofsanrafael.org

Re: Item 4c of San Rafael City Council Meeting – August 1, 2022

Dear Mayor Hello Mayor Colin and Councilmembers Ketrz, Bushey, Hill, and Gulati,

I respectfully request that Item 4c – SB 9 Housing Development and Urban Lot Split Regulations - be pulled from the Consent Calendar and openly discussed as a regular item at the August 1, 2022 City Council meeting.

I have the following comment on Item 4c and Ordinance 2013: An Ordinance of the City of San Rafael Amending Title 14 (Zoning Ordinance) and Title 15 (Subdivisions) of the San Rafael Municipal Code Related to Regulations to Implement Provisions of SB 9 (CC).

Senate Bill No. 9 (SB9), Chapter 162, Section 2 and its associated California Government Code Section 66411.7(g)(1) requires the City to require an applicant for an urban lot split to sign an affidavit that they intend to occupy one of the houses for a minimum of three years:

California Government Code Section 66411.7(g)(1):

“(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.”

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB9

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=66411.7.&lawCode=GOV

City Ordinance No. 2013 fails to include anything about this required provision of Senate Bill No. 9 and its enacting Government Code. Without this requirement being stipulated in the ordinance, the City may very well not be in compliance with State law.

Ordinance No. 2013 should be revised to include the State mandate that the City require an applicant for an urban lot split to sign an affidavit that they intend to occupy one of the houses for a minimum of three years. I also request the City to consider how it will implement and enforce this provision of law.

I would appreciate a response to this issue prior to the City Council meeting. Thank you.

Sincerely,



Gregory Andrew