

ALBANY CALIFORNIA



CITY OF ALBANY
1000 SAN PABLO AVENUE
ALBANY, CA 94706
www.AlbanyCA.org

DATE: March 1, 2021

MEMORANDUM

To: Albany City Council Members
From: Council Member Peggy McQuaid
Re: Letter to Senator Atkins in opposition to SB 9

RECOMMENDATION

That the Council approve the letter to Senator Atkins opposing SB 9 unless amended.

DISCUSSION

Appreciating that cities in California including Albany must increase our current housing stock, SB 9 is a reach too far.

This bill rezones by state statute virtually all parcels within single-family residential zones in California allowing for the creation of (when combined with state Accessory Dwelling Unit (ADU) law) even more units on a given parcel; and further authorizes urban parcel splits, without any local discretionary hearing or review, including compliance with the California Environmental Quality Act (CEQA). Parking is limited to one space per unit, and must be eliminated entirely if within one-half mile of transit or if there is a car share vehicle within one block.

The requested amends are delineated in the actual letter to Senator Atkins.

SOCIAL EQUITY AND INCLUSIVITY CONSIDERATIONS

It is likely that the disruption caused by SB 9 will have inequitable impacts depending on wealth. Flipping homes to duplexes and splitting parcels down to 1,200 square feet are likely to affect middle class and lower income neighborhoods and homeowners more than wealthier individuals. The wealthy, as always, will have more options, including moving to larger estates.

SUSTAINABILITY CONSIDERATIONS

SB 9 is designed to work around environmental analysis by dictating specific zoning criteria in state statute, and requiring locals to approve applications “ministerially” without public review. Thus, the state Legislature is avoiding environmental reviews in a proposal that rezones virtually all of the single-family lots in the state.

FINANCIAL CONSIDERATIONS

N/A

Attachment:

1. Letter to Senator Atkins
2. Sample letter from League of California Cities

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February 12, 2021

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 City of Albany 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 City of Albany requests the following amendments in order 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.

The City of Albany 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 City of Albany opposes SB 9 (Atkins) unless it is amended to address our concerns.

Sincerely,

NAME

TITLE

City of Albany

cc. Senator Nancy Skinner (senator.skinner@senate.ca.gov)
Assembly Member Buffy Wicks (Assemblymember.wicks@assembly.ca.gov)
Sam Caygill, East Bay Division, League of California Cities, scaygill@cacities.org
League of California Cities, cityletters@cacities.org

ALL LETTERS MUST BE UPLOADED INTO THE ELECTRONIC PORTAL. The portal automatically sends letters to the author's office and the committee(s) of jurisdiction. Please visit <https://calegislation.lc.ca.gov/advocates/> to create an account and upload the letter. If you are having difficulty accessing the portal, please contact Meg Desmond at mdesmond@cacities.org.

In addition to submitting the letter through the portal, please send a physical copy to your Legislator(s), and email a copy to cityletters@cacities.org as well as your Regional Public Affairs Manager.

*****CITY LETTERHEAD*****

DATE

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President pro Tempore, California State Senate
State Capitol Building, Room 205
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**RE: SB 9 (Atkins) Increased Density in Single-Family Zones
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PLEASE CITE SPECIFIC CONCERNS AND HOW YOUR CITY WILL BE AFFECTED BY THIS BILL HERE.

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Sincerely,

NAME

TITLE

CITY/TOWN of _____

cc. **Your Senator & Assembly Member**

Sam Caygill, East Bay Division, League of California Cities, scaygill@cacities.org
League of California Cities (Via email: cityletters@cacities.org)