

DATE SUBMITTED 2/25/2021  
 SUBMITTED BY ACM  
 DATE ACTION REQUIRED 3/3/2021

COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION ( )  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS AB

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: SB 9 INCREASED DENSITY IN SINGLE-FAMILY ZONES 1. OPPOSE SB 9 (UNLESS AMENDED) REGARDING INCREASE DENSITY IN SINGLE-FAMILY ZONES	
DEPARTMENT INVOLVED: City Manager's Office	
BACKGROUND/SUMMARY: California is a geographically and demographically diverse state, and that is reflected in its 482 cities and 58 counties. Local elected officials are charged by the California Constitution with protecting their citizens' welfare. One chief way local governments do this is by exercising control over what gets built in their community. Local officials balance the need for additional housing against the concerns and desires of their constituents. Where appropriate, those officials enact ordinances to shape their communities based on local conditions and desires. Moreover, these planning actions and decisions take place within the confines of state laws that require local governments to plan and zone for new housing, subject to certification by the California Housing and Community Development Department (HCD), and under threat of fines for improper denial as a result of recent legislation.  In short, SB 9 lends itself to restrict the abilities local government has over land planning, zoning, and residential development. Please see the attached summary and proposed opposition letter for more information.	
FISCAL IMPACT: N/A	ADMIN SERV INITIALS <u>WJ</u>
STAFF RECOMMENDATION: It is staff's recommendation to oppose SB 9 unless amended as it further strips local control in regards to land planning, zoning and residential development within the City of Imperial's jurisdiction	DEPT. INITIALS <u>AB</u>
MANAGER'S RECOMMENDATION: Agrees with staff's recommendation.	CITY MANAGER'S INITIALS <u>ACM</u>
MOTION: SECONDED: APPROVED ( ) REJECTED ( ) AYES: DISAPPROVED ( ) DEFERRED ( ) NAYES: ABSENT: REFERRED TO:	

## **ACTION ALERT**

### **SB 9 (Atkins) Increased Density in Single-Family Zones**

#### **OPPOSE UNLESS AMENDED**

**Background:** California is a geographically and demographically diverse state, and that is reflected in its 482 cities and 58 counties. Local elected officials are charged by the California Constitution with protecting their citizens' welfare. One chief way local governments do this is by exercising control over what gets built in their community. Local officials balance the need for additional housing against the concerns and desires of their constituents. Where appropriate, those officials enact ordinances to shape their communities based on local conditions and desires. Moreover, these planning actions and decisions take place within the confines of state laws that require local governments to plan and zone for new housing, subject to certification by the California Housing and Community Development Department (HCD), and under threat of fines for improper denial as a result of recent legislation.

#### **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; and
- Ensure large-scale investors and builders do not exploit SB 9 provisions.

#### **ACTION:**

SB 9 will be heard by the Senate Committee on Housing in the coming weeks. At this time, the bill has not been set for a hearing date, however, the committee's first hearing is scheduled for March 18. Please send in letters as soon as possible. A sample letter is attached.

- 1) **First Priority:** If you have a Senator on this committee, please send a city letter opposing the measure unless it is amended to address your concerns.

<b>SENATE HOUSING COMMITTEE</b>		
<b>Member</b>	<b>District</b>	<b>Room</b>
<a href="#">Bates, Patricia</a> (Vice-Chair)	36	3048
<a href="#">Caballero, Anna</a>	12	5052
<a href="#">Cortese, Dave</a>	15	3070
<a href="#">McGuire, Mike</a>	2	5061
<a href="#">Ochoa Bogh, Rosilicie</a>	23	3056
<a href="#">Skinner, Nancy</a>	9	5094
<a href="#">Umberg, Thomas</a>	34	5097
<a href="#">Wieckowski, Bob</a>	10	4085
<a href="#">Wiener, Scott</a> (Chair)	11	5100

- 2) **Second Priority:** All Senators need to hear from their cities. If you do not have a Senator on the committee, please send a letter to your Senator.

You can find your Legislator's contact information here: <http://findyourrep.legislature.ca.gov/>.