



## Legislation Details (With Text)

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**Title:** CONSIDER SUBMITTING A LETTER OF OPPOSITION TO SB 9 (INCREASED DENSITY IN SINGLE FAMILY HOMES) (CITY COUNCIL)  
**Sponsors:**  
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**Attachments:** 1. Draft Letter of Opposition to SB 9, 2. Bill Text of SB 9

Date	Ver.	Action By	Action	Result
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### Report to Mayor and City Council

Tuesday, March 16, 2021

Consent

#### **SUBJECT:**

**CONSIDER SUBMITTING A LETTER OF OPPOSITION TO SB 9 (INCREASED DENSITY IN SINGLE FAMILY HOMES) (CITY COUNCIL)**

#### **I. SUMMARY**

Senate Bill 9 (Atkins) mandates ministerial approval for proposed housing developments that would lead to up to six, potentially more, dwelling units on lots where currently only one dwelling unit exists and it would require cities to permit the development of a duplex or subdivision of a parcel into two equal parcels (minimum lot size of 1,200 square feet). Staff has prepared a Draft Letter of Opposition for City Council's consideration and approval.

#### **II. RECOMMENDATION**

Staff recommends that the City Council submit a Letter of Opposition to SB (Exhibit No. 1).

#### **III. ALTERNATIVES**

TAKE other action deemed appropriate, subject to compliance with applicable law.

#### **IV. BACKGROUND**

Senate Bill 9 (SB 9) was introduced into legislation on December 7, 2020 by Senate President Pro Tem, Tony Atkins. SB 9 is very similar to SB 1120 that did not pass last year because the bill did not reach the Senate floor on time for a final consideration.

SB 9 affects single-family parcels in two ways that would potentially lead to up to six dwelling units (two single-family homes, two Accessory Dwelling Units (ADUs) and two Junior Accessory Dwelling Units (JADUs) on lots where currently only one dwelling unit exists. First, the proposed legislation would allow existing single-family homes to be converted into duplexes. Second, SB 9 would allow for an “urban lot split” that requires ministerial approval to subdivide an existing parcel to create two new parcels of equal size (minimum lot size of 1,200 square feet). SB 9 does not require that any of the units created be affordable.

SB 9 includes the following eligibility criteria for split lots/subdivision:

- The parcel or development must be located in a single-family residential zone.
- The parcel cannot be located in a historic district or be a historic property itself (as defined by the state or local county or city).
- The parcel must be in a city whose boundaries include some portion of an urbanized area or urban cluster as designated by the US Census Bureau. The Census Bureau defines an Urbanized Area as an area of 50,000 or more people; and an Urban Cluster of at least 2,500 and less than 50,000 people.
- If the parcel is located in an unincorporated area, then the parcel at stake must be a legal parcel wholly within the boundaries of an urbanized area/cluster.
- The parcel must be divided into two parcels of equal size and both newly created parcels cannot be smaller than 1,200 square feet.
- The subdivision of a parcel cannot displace a household occupied by a moderate, low, or very low income household or households or a rent-controlled unit. Displacement means the demolition or alteration of the existing dwelling unit.
- The parcel cannot have been created from a previous lot split.

Additionally, SB 9 provides the following:

- Cities can require one off-street parking space per unit. It is not stated whether the single parking space must be within a garage. Most likely, cities will not be allowed to require a garage since it would be considered a barrier to the construction of additional dwelling units. Cities cannot require off-street parking if the parcel is located within one-half mile walking distance from a major transit stop or if there is a car share vehicle located within one block of the parcel.

- A city or county may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created as long as these standards do not preclude the construction of two units on either parcel.
- A city may require a setback of up to four feet from the side and rear property lines.
- A local agency cannot require, as a condition for ministerial approval of a permit application of an urban lot split, the correction of nonconforming zoning conditions.
- Requires cities to allow an existing single-family home into a duplex, add an accessory dwelling unit and a junior accessory dwelling unit to the same parcel.
- The bill authorizes a local agency to adopt an ordinance to implement these provisions but stipulates that the adoption of the ordinance shall not be considered a project under the California Environmental Quality Act (CEQA).

The League of Cities has adopted an “Oppose unless Amended” position on SB 9, and the bill has already generated a broad opposition from local agencies. Analysts expect a significant level of opposition from statewide environmental interests as well.

According to Senator Atkin’s office, this bill will be heard in Senate Housing Committee on April 15, 2021.

## **V. FISCAL IMPACT**

There is no fiscal impact associated with this item.

## **VI. EXHIBITS**

1. Draft Letter of Opposition to SB 9 (pgs. 4-5)
2. Bill Text of SB 9 (pgs. 6-14)

Prepared by: Sunny Soltani, City Attorney