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March 4, 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 Arcata 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).

Specifically, the City of Arcata is pushing the boundaries of zoning and allowable, by right, development in areas that have high potential for redevelopment. Uncontrolled growth beyond the already very progressive zoning and land use approaches the City is currently developing could push our infrastructure beyond capacity. Furthermore, some neighborhoods are well suited to densification. Some are not. One neighborhood in Arcata was developed with a density at or above the carrying capacity of the land. If those parcels are not exempted from the provisions of SB 9, the quality of life in this neighborhood, which is already predominately tenant occupied, would drop. Instead of creating more quality affordable housing, SB 9 has the potential to create blight.

The City of Arcata 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 property owner using SB 9 to enter an agreement with the jurisdiction that is recorded on title that the property may not be used for vacation or short-stay rental housing;
- Allow jurisdictions to adopt by ordinance areas exempt from SB 9 for lack of infrastructure;
- 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 Arcata 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 Arcata opposes SB 9 (Atkins) unless it is amended to address our concerns.

Respectfully,



Sofia Pereira, Mayor
City of Arcata

cc:

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