

\*\*\*CITY LETTERHEAD\*\*\*

March 3, 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 Los Altos writes to express an **Oppose Oppose Unless Amended** position on your SB 9, which would require a local government to ministerially approve a housing development containing two or more 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 isare** 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. **Nor would it necessarily produce important below market rate housing in our city.** 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).

Los Altos is a charming and unique city that is almost fully developed. Our community, staff, and City Council recognize that California faces a housing crisis and that the solution must be regional. We stand ready to do our part to cooperate with the State and our Council of Governments (ABAG). However, we respectfully request that you and your colleagues take note of the fact that we have the least parkland and green space of all our neighbors, that our community is one of the more mature in Santa Clara County, and that SB 9 will change the longstanding character of our neighborhoods significantly **while failing to provide the affordable units that can be planned through the Housing Element process and constructed through additional funding.** SB 9 will eliminate trees and important green space and add unfunded impacts to the well-planned and fully developed infrastructure of water, sewers, energy, and schools. We know that other cities are facing their own challenges in balancing the goals of SB 9 with their own, unique circumstances. We are supportive of cities and communities that are concerned that SB 9 will **accelerate gentrification and disrupt long-established communities of color.** SB 9 is, regrettably, **another attempt to impose a one-size-fits-all requirement that will not achieve the beneficial results sought.**

The City of Los Altos 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~~thirty months~~ of a recorded 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; and
- ~~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 reasonable parking standards in accord with the spirit of the bill; ~~and~~
- Ensure large-scale investors and builders do not exploit SB 9 provisions.

The City of Los Altos is committed to being part of the solution to the affordable 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 Los Altos opposes SB 9 (Atkins) unless it is amended to address our concerns.

Sincerely,

Neysa Fligor, Mayor  
City of Los Altos

cc. Hon. Senator Scott Wiener, Chair, Senate Housing Committee  
Hon. Senator Josh Becker  
Hon. Assemblymember Marc Berman  
Jason Rhine, League of California Cities  
Seth Miller, League of California Cities (Via email: [cityletters@cacities.org](mailto:cityletters@cacities.org))

NOTE:

This document is an adaptation of a proposed letter drafted by the League of California Cities (the "League"). It has been edited by Vice Mayor Enander and Councilmember Weinberg for consideration by the Council.

Text in gray highlight are modifications to the League letter upon which Vice Mayor Enander and Councilmember Weinberg agree.

Text in blue highlight is proposed by Vice Mayor Enander but with which Council Member Weinberg disagrees.

Text in **green highlight** is proposed by Councilmember Weinberg but with which Vice Mayor Enander disagrees.

The nine (9) bullet points were suggested by the League. Vice Mayor Enander proposes eliminating them in their entirety. Councilmember Weinberg proposes keeping/amending some of the bullet points and deleting others as indicated by the redline. These redlines are preserved in this document so the Council can consider all the suggestions by the League.