



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 Laguna Niguel writes to express an Oppose Unless Amended position on your SB 9, requiring 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 approve urban lot splits ministerially.

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 building industry's needs.

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 certified by the California Department of Housing and Community Development (HCD).

The City of Laguna Niguel would be critically impacted by SB 9 in several ways. Foremost is the health and safety of our residents. With a significant portion of our City located in *Very High Fire Hazard Severity Zones* as determined by CAL FIRE, SB 9 as currently construed would allow developers to increase housing density in these zones. As a result, there would be an increased risk of potential wildfires, putting residents and their homes at risk. Next, the City of Laguna Niguel prides itself on open space and environmental preservation, both which would be in jeopardy if SB 9 were adopted. Lastly, our residents enjoy high property values. Property values would dramatically decrease by turning single-family zoned lots into duplexes, lot splitting, and multiple dwellings on a single lot. Our residents have repeatedly made clear that they do not want increased housing density in single-family zones neighborhoods.

The City of Laguna Niguel requests the following amendments 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 the 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 Laguna Niguel is committed to being part of the housing shortfall solution across all income levels. It 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 Laguna Niguel opposes SB 9 (Atkins) unless amended to address our concerns.

Sincerely,



Fred Minagar
Mayor
City of Laguna Niguel

cc. Senator Pat Bates
Assembly Member Laurie Davies
Tony Cardenas, Public Affairs Regional Manager-Orange County
League of California Cities