

EUNICE M. ULLOA
Mayor

MARC LUCIO
Mayor Pro Tem



KAREN C. COMSTOCK
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City Manager

August 31, 2021

CITY of CHINO

The Honorable Gavin Newsom
Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

**RE: SB 9 (Atkins), as Amended August 16, 2021,
Increased Density in Single-Family Zones. OPPOSE.**

Dear Governor Newsom:

The City of Chino urges you to VETO SB 9 (Atkins), which would require a local government to ministerially approve, without condition or discretion, a housing development containing two residential units on an individual parcel in single-family residential zones. Additionally, this measure would require local governments to ministerially approve an urban lot split, thus creating two independent lots that may be sold separately. The August 16 amendment requiring an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split will not prevent real estate investors building from up to eight (8) residential units on existing single-family parcels in Chino and throughout California. Like the Accessory Dwelling Units/granny flats already permitted on these lots, Chino and other cities would have to approve the new apartments ministerially (administratively), without public notifications, hearings, written determinations, and appeals.

We are very concerned with the State's continued erosion of local control, particularly as it relates to housing. The cities in this State are unique, with each having a different community "personality" and values that reflect the history, self-identification, priorities, and goals of its residents. Housing affordability and homelessness are among the most critical issues facing California, but these are complex issues that the State cannot simply mandate away. Cities lay the groundwork for housing production by planning and zoning new projects in their communities based on public input and engagement, state housing laws, and the needs of the building industry.

We understand Senate Pro Tem Atkin's desire to pursue a housing production proposal, but SB 9 will 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).

We continue to strongly oppose SB 9 because this bill:

- Would significantly impact demand on public safety, local infrastructure, schools, utilities, public services, etc., thereby expanding local government costs without the ability to cover increases;



- Would place additional burdens on already strained resources and infrastructure such as water and sewer without consideration of capacity;
- May erode the quality of life of existing property owners who selected and invested in their homes based on locally-determined zoning;
- Undermines public safety by denying local governments the ability to require adequate access for police, fire and other public safety vehicles and equipment;
- Denies local governments the ability to take into account local conditions such as hillsides, lot dimensions, natural hazards, available infrastructure, etc. when approving or denying housing project applications;
- Does not allow cities to determine the range of lot sizes suitable for SB 9 development projects;
- Does not ensure that cities are provided Regional Housing Needs Allocation (RHNA) credit for production of SB 9 units;
- Denies local governments the authority to determine parking standards;
- Contains no requirement for affordable housing and environmental review; and
- Imposes another unfunded State mandate on local governments.

Unfortunately, the State has removed one of the key tools available to local governments to fund affordable housing – redevelopment. With the growth of construction and capital projects around the state, homes, especially for moderate to low-income families, have become too expensive to build and buy, often requiring subsidies for their construction to pencil out. Importantly, the State’s population has remained flat over the last five years. If the goal is to provide affordable housing, then the legislature should focus on restoring redevelopment. Rather than pass SB 9 and other housing legislation undermining local control, the focus should be on ensuring the successful construction of ADUs per recently approved law.

We urge the State to work with cities in a collaborative manner to find solutions to the housing supply and affordability crisis in California. These solutions include streamlining the housing approval process, creating a new state and local financial partnership to fund affordable housing and infrastructure projects, and consolidating important housing program grant applications. Some of these efforts have fallen short and require additional action from the Legislature and Governor.

The amendments to SB 9 do not address our previously expressed concerns; we remain opposed to SB 9 and other legislation that would undermine local zoning decisions, particularly the existence of single-family zoning, and our residents’ rights to public review of development proposals.

Sincerely,



Eunice M. Ulloa
Mayor

cc: The Honorable Connie Leyva, Senate District 20
The Honorable Freddie Rodriguez, Assembly District 52
League of California Cities, cityletters@cacities.org
Paul Gonsalves, Gonsalves & Son, Gonsalves@gonsalvi.com
