

**Sent: November 8, 2021**

**Subject: Provisions for Emergency Ordinance to implement SB 9**

**To: Sacramento Mayor, City Council, City Manager, and Planning Director:**

Since the city of Sacramento is developing an emergency ordinance to address the enactment of [Senate Bill SB 9](#), which takes effect January 1, 2022, we are writing to submit provisions to be included in that ordinance.

In order to help mitigate the impacts of densification on existing neighborhoods, infrastructure, trees, and affordable housing, we request that this interim/emergency ordinance include these provisions:

- **Total of 4 units.** If a lot is split under SB 9, no more than two units should be allowed per lot for the two lots created (a total of 4 units).
- **Accessory Dwelling Units.** Accessory Dwelling Units (ADUs) should not be allowed on unsplit lots to which a second unit is added under the provisions of SB 9 nor should they be allowed on lots split under SB 9.
- **Adjacent parcels.** Lot splits should not be allowed for adjacent parcels that are owned by the same entity or individual(s).
- **Fees.** The addition of any housing units using the provisions of SB 9 should be subject to standard Impact Development Fees to mitigate for the use of City infrastructure, parks, and emergency services.
- **Public notification.** At a minimum, public notification for applications for lot splits or building permits under SB 9 should include routing to area neighborhood associations and readily visible posting at project sites.
- **Short term rentals.** Any dwelling units created by SB 9 should not be used as short-term rentals (less than 30 days) or for any non-residential uses.
- **Gentrification:** No demolition or alteration of existing housing units should be permitted if those housing units have been occupied with tenants in the last three years, under rent-control protection, or deed restricted as affordable housing.
- **Minimum lot size.** In order to split at lot under SB 9, both newly created parcels should be a minimum of 1200 square feet, otherwise the lot split is not allowed.
- **Lot coverage.** Lots of under 1600 square feet should have no more than 66% lot coverage. Lots greater than 1600 should maintain the existing maximum 50% lot coverage in R-1 zones. No further deviations of existing lot coverage should be allowed.
- **Deviations.** All existing zoning standards should apply without exemptions or deviations to include: Lot coverage, setbacks, height restrictions, tree protection, and onsite parking.
- **Parking.** One space of onsite parking should be provided per unit unless, as required by state law, the project is in a transit-rich area within a half mile of a “high quality transit corridor” as defined by section 21155 of the Public Resources Code, or a “major transit stop” as defined by section 21064.3 of the Public Resource Code. The city should not deny or discourage the provision of onsite parking.
- **Tree Canopy.** Applications for an SB 9 unit should not be an accepted reason for approval of a tree removal permit. In addition: 1) applications for an SB 9 unit should include assessment of all existing trees on the proposed lot, 2) SB 9 plot plans must include setbacks that preserve space for at least one canopy tree, including appropriate permeable surface, as well as a plan for irrigation, and 3) ministerial approval of SB 9 units should be based on tree canopy goals as established in the Urban Forest Master Plan.

- **Privacy.** The city's existing Infill Design Standards should be reviewed and modified to provide mitigation for privacy degradation resulting from the increased density and reduced setbacks resulting from SB 9 implementation.
- **Owner occupancy.** To prevent investor driven gentrification, SB 9 requires applicants to sign an affidavit stating their intent to occupy one of the housing units as their principal residence for a minimum of three years, with exemptions given to community land trusts or qualified nonprofits. To fulfill this obligation, the City should require the applicant to sign and record an affidavit placing a covenant that will run with the land, confirming that the applicant will reside in one of the SB 9 units for three years. Enforcement strategies, fines or consequences will be defined by the City and contribute to the Affordable Housing Fund.
- **Affordability.** Lot splits should require a minimum of one affordable housing unit listed on the California Department of Housing and Community Development registry of affordable units for a period of ten years or more or pay an in-lieu fee to discourage gentrification through Investment trusts.
- **CCR&S & HOA.** Applicants should be required to confirm if Covenants, Conditions, and Restrictions or Homeowner's Association rules allow the utilization of SB 9 provisions.
- **Duration.** This Emergency Ordinance should sunset in one year, on December 31, 2022. This can be extended for a maximum of one year, to December 31, 2023.

We would also like to be part of any working group or stakeholder group that is involved in the development of this ordinance.

We noted comments from Greg Sandlund, Planning Director, at the Housing Forum on November 1, 2021, that the City Staff does not plan to recommend implementation of SB 10 until the full combined impacts are known of SB 9, the 2021 ADU Ordinance, and the Land Use Strategy of the 2040 General Plan Update. We agree that SB 10 should not be implemented at this time, if ever.

We are also available to meet with you to discuss any of these provisions. We look forward to a prompt response.

Respectfully,

*Save Sacramento Neighborhoods  
East Sacramento Preservation  
Elmhurst Neighborhood Association  
Land Park Community Association  
Meadowview Neighborhood Association  
Trees for Sacramento*