SUSTAINABLE TAMALMONTE

215 Julia Ave
Mill Valley, CA 94941

July 6, 2020

Assembly Member Marc Levine
CA State Capitol, Room 5135
Sacramento, CA 94249

Re: **OPPOSE Senate Bill 1120 (Atkins & Wiener): Subdivisions: tentative maps**

Dear Assembly Member Levine,

We strongly urge you to oppose **Senate Bill 1120 (Atkins & Wiener): Subdivisions: tentative maps.** SB-1120 is fundamentally flawed. The bill is an unprecedented taking of local planning powers that hands city and community decision-making directly to market-rate housing developers. Moreover, the bill could ruin treasured single-family neighborhoods.

I. ABOUT SENATE BILL 1120

Senate Bill 1120 (Atkins & Wiener): Subdivisions: tentative maps requires cities and counties to permit ministerially either or both of the following in single-family zones, as long as they meet specified conditions:

- A housing development of up to two units (a duplex).
- The subdivision of a parcel into two equal parcels (urban lot split).

To use this bill, the subject parcel would need to be zoned for residential uses and in a single-family zoning district. Certain hazardous, protected parcels or currently occupied parcels could not take advantage of this bill. Projects could not result in the demolition of 25% or more of existing exterior walls unless the site has not been occupied by a tenant in the last three years; a parcel smaller than 1,200 square feet; nor provide short-term rentals. CEQA would not be required. Objective requirements may be applied, provided the requirements do not prohibit the project.

SB-1120 allows a local government to adopt ordinances to implement its duplex and urban lot split provisions and provides that the adoption of such ordinances are not subject to CEQA.

SB-1120 significantly lowers parking requirements and eliminates parking requirements in certain areas.

SB-1120 disclaims the state's responsibility for providing reimbursement by citing local governments' authority to charge for the costs of implementing the bill's provisions

II. REASONS TO OPPOSE SENATE BILL-1120

A. Increasing housing density is the wrong solution to meet our affordable housing needs:

Senate Bill 1120 is based on the unrealistic premise that increasing density and allowable buildout of housing would result in affordable housing being built. However, there is already plenty of density and allowable buildout for housing and this has not led to enough affordable housing being provided.

We know from experience and observation that high-density housing does not equate to affordable housing. San Francisco's Nob and Telegraph Hills, Los Angeles' Wilshire Corridor, and high-rises in downtown San Diego are all examples of upper-income areas where housing densities are quite high. Indeed, San Francisco is the second densest city in the United States with a density of 6,266 people per square mile[1] and yet its median home price is $1.4 million[2] and its median 1-bedroom rent is $3360 per month[3].

When discussing the need for housing, it is important to recognize that California's population growth rate is at a record low and predicted to remain low. Estimates released on Dec. 20, 2019 by the California Department of Finance show that between July 1, 2018 and July 1, 2019, the growth rate was just .35%, the lowest recorded growth rate since 1900. During the same time period, the Department reported that there was substantial negative domestic net migration, which resulted in a loss of 39,500 residents – "the first time since the 2010 census that California has had more people leaving the state than moving in from abroad or other states".[4]

Therefore, California, as a whole, only needs a modest increase in housing every year. We do not need to significantly up-zone vast areas of the state to accomplish this. There is plenty of potential housing buildout already allowed by the General Plans and zoning of jurisdictions throughout the state. And this potential housing buildout will grow each time jurisdictions update their Housing Elements to meet new Regional Housing Need Allocations. Moreover, AB-68, which was enacted into law in 2019, has already dramatically increased potential housing buildout beyond what communities can sustainably contend with.

So, vast up-zoning by the State for mostly market rate housing is not the answer. This strategy primarily benefits real estate investors, developers, and large corporations rather than those in need of affordable housing.

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[1] https://www.huffpost.com/entry/americas-densest-cities_b_5888424

[2] https://www.zillow.com/san-francisco-ca/home-values/

[3] https://www.zumper.com/blog/rental-price-data/

[4] https://www.latimes.com/california/story/2019-12-21/california-population-continues-to-decline-with-state-emigration-a-major-factor

Instead, we need to provide the correct amount of affordable housing where it is already allowed and prevent the loss of existing affordable housing. Funding and subsidies are needed for local solutions to affordable housing. (Scroll down to **Section III "Solutions"** of this letter.)

D. SB-1120 eliminates single-family zoning and could ruin single-family neighborhoods, which are greatly treasured and should be protected:
SB-1120 would eliminate single-family zoning, even though most residents prefer single-family homes. A 2019 Redfin survey[5] found that regardless of where people live within the US, more than 85% of home buyers and sellers (including millennials) prefer single-family homes with more space, privacy, and gardens over a unit in a triplex that has a shorter commute.

In addition, since the outbreak of COVID-19, realtors report a trend of city dwellers wanting to move to single-family neighborhoods in the suburbs to escape dense living conditions, which contribute to the spread of the disease.

Over time, the bill would cause the supply of single-family homes to diminish due to conversions to duplexes and "fourplexes" (a lot split and each half becoming duplexes) and the price for the remaining single-family dwellings would become even more expensive. This would make it more difficult for residents to attain their preferred lifestyle.

C. Reducing local control of land use is the wrong solution to meet our affordable housing needs:
SB-1120 would override local land use plans and regulations and eviscerate decades of careful planning. Local planning efforts (general plans and zoning ordinances) encourage public engagement and are much better than the State at determining where and how much housing growth should occur. Local planning efforts are also better at anticipating necessary government services such as water, sewer, utilities, schools and traffic flow.

D. Streamlining the permit review process for housing development threatens democracy, public engagement, and high-quality development:
SB-1120 requires Cities and Counties to permit ministerially duplexes and urban lot splits. Streamlining the permit review process poses a significant threat to democracy, public engagement and high-quality development. Public comments by local residents often bring to light a proposed development's negative characteristics and potential adverse impacts that otherwise would never be known. Consideration of such public input during the permit review process leads to higher quality development. In contrast, reducing and eliminating public input could lead to dire consequences.

E. SB-1120 would jeopardize high fire hazard areas:
According to the Senate's analysis of SB-1120, the bill exempts locations within a "very high fire hazard severity zone", unless it complies with state mitigation requirements. So, if a development in a "very-high fire hazard severity zone" complies with state mitigation measures, which any new development would have to do, then it would still be eligible for the bill's duplex or lot split provisions.

[5] https://www.redfin.com/blog/millennial-homebuyers-prefer-single-family-homes/

First of all, the exemption only applies to “very-high fire hazard severity zones”, where as “high fire hazard zones” can be just a perilous. Moreover, a development that meets fire mitigation measures related to building codes does nothing to help residents evacuate during a fire.

There are many communities in “high” and “very high” fire hazard zones that have narrow windy streets and few roads out to safety. The bill allows a dramatic increase in population in these hazardous communities, while reducing parking requirements, which will lead to streets being overcrowded with parked cars. Dire consequences could result during an emergency when residents are unable to evacuate and fire trucks are unable to reach their destinations.

F. SB-1120 increases traffic congestion and greenhouse gas emissions:
SB-1120 would increase traffic congestion and greenhouse gas emissions. As discussed above, the bill would increase the number of residents and vehicles in neighborhoods and the residents would have to park their vehicles on the street due to insufficient off-street parking spaces. Due to more cars on the road plus more circulation of those cars, as residents search for vacant on-street parking spaces, traffic congestion and greenhouse gas emissions would rise.

G. SB-1120 wrongly assumes that residents who live near bus stops don’t need vehicles and therefore don’t need parking spaces:
SB-1120 presumes that residents who live within ½ mile of public transit (including just a bus stop) would need less parking because they would rely on public transit instead of vehicles for their transportation needs. However, this is a false presumption in many counties, including Marin County.

Due to Marin’s insufficient and inconvenient public transportation and the need to carry children, equipment or large purchases, the vast majority of Marin residents rely on their personal vehicles to travel within Marin. Infrequent bus service provides transportation primarily in the North/South direction. SMART also travels North/South. There is little public transportation available for West/East travel. Many members of Marin’s population cannot walk or bike very far (E.g. Marin’s growing elderly population) or else find these non- motorized forms of transportation to be inappropriate for where they are going (E.g. They need to transport children or carry heavy objects). Therefore, Marin residents will most likely continue to rely primarily on their personal vehicles for transportation and will need places to park these vehicles.

Data from a recent Metropolitan Transportation Commission report confirms that most Marin residents use personal vehicles for their transportation needs and few use transit. MTC concluded that 73.5 % of Marin commuters drive to work and only 8.9 % of Marin commuters use transit to get to work.

H. SB-1120 would increase the risk of significant adverse impacts:
The bill’s subsequent housing densification and population growth would increase the risk of adverse impacts on the environment, public health and safety, traffic congestion, infrastructure, utilities (water supply), public services (schools), views, sunlight, privacy, neighborhood character, and quality of life.

I. SB-1120 would create unfunded mandates:
There is no funding for dealing with the above listed impacts and SB-1120 provides an official sidestep of addressing this issue. The bill states; “SEC. 5. No reimbursement is required by this

act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code."

J. Weakening the California Environmental Quality Act is misguided:
New and denser housing development encouraged by SB-1120 would likely increase potential significant adverse environmental impacts. Yet, the bill would prevent any environmental review of those potential impacts.

A CEQA exemption for the approval of a duplex or urban lot split ordinance removes the ability of local governments to be fully informed of the ordinance's potential environmental consequences. Without that review, a local government would not be properly informed of traffic impacts, air impacts, or compatible use issues. It is unacceptable for the public to live with the consequences of a zoning ordinance that would not be fully vetted and whose impacts were not mitigated and alternatives not considered.

The California Environmental Quality Act, which became law in 1970, is our state's landmark environmental law. Its purpose is to foster transparency and integrity in public decision-making while ensuring land use decisions take the full impacts of development on our natural and human environments into account. It is one of the most powerful environmental protection laws in the nation.

CEQA gives the community a voice in land use decisions. It requires decision-makers to adopt alternatives or mitigation measures to reduce significant adverse environmental impacts. As such, it plays a critical role in preserving and enhancing California's public health, safety, and the environment.

The Act was designed to ensure that a project applicant—not the public—bears the costs of providing the necessary infrastructure to support a project. It also provides the public and decision-makers with "the big picture" and helps ensure that many small projects are not considered separately, only to overwhelm a community when taken as a whole.

CEQA protections should be strengthened rather than further weakened.

III. SOLUTIONS TO OUR AFFORDABLE HOUSING NEEDS

Instead of SB-1120, we need to provide the correct amount of affordable housing and prevent the loss of existing affordable housing.

To accomplish this, funding and subsidies are needed for local solutions to affordable housing, which could include building new affordable housing where it is already allowed and providing other affordable housing programs (housing vouchers, converting market-rate housing to affordable housing, encouraging living wages, maintaining existing affordable housing, preventing developers from being able to pay a penalty instead of actually build affordable units, etc.). In addition, funding/subsidies are required to mitigate the adverse impacts that the increased housing would create.

In regard to the jobs/housing imbalance created by large corporations, the State should provide incentives to Corporations for them to open offices in the less populated areas of the State that are jobs poor and housing rich, where the cost of land and housing are much less expensive. In addition, provide incentives to cities and counties to require "Full Mitigation", which makes commercial development approval contingent on adequate housing. (See Palo Alto Mayor Filseth's article - https://padailypost.com/2020/01/03/guest-opinion-who-should-pay-for-tech-expansion/)

IV. CONCLUSION

Once again, we strongly urge you to oppose Senate Bill 1120, which is fundamentally flawed. Instead, support locally-grown sustainable strategies that enable our communities to meet all housing needs. Provide incentives to Corporations to open offices in areas of the State that are jobs poor and housing rich. In addition, provide incentives to cities and counties to require "Full Mitigation", which makes commercial development approval contingent on adequate housing.

Thank you in advance for your conscientious consideration.

Very truly yours,
/s/
Sharon Rushton, Chairperson
Sustainable TamAlmonte