



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Dev Davis  
District 6

**SUBJECT:** SEE BELOW

**DATE:** 08/05/2021

APPROVED:

**SUBJECT: Oppose SB9 and SB10 Preserving Local Control**

## RECOMMENDATION

1. Declare an opposition position on California Senate Bills 9 and 10
2. Place the item on the August 17, 2021 Council Agenda for action.

## DISCUSSION

The demand for housing in California and our city is real. We have been aware of this need for quite some time, which is why San Jose developed the concept of Urban Villages a decade ago – where housing density could be met with services for those residents who lived there. Adding density in an area of the city where infrastructure improvements are not made is a recipe for disaster. SB 9 and SB 10 call for a strangling of local control to allow added housing without requiring added capacity for infrastructure such as gas, water, electricity, and sewer. In that way, they are similar to the “opportunity housing” proposal being floated by some in San Jose, which has not yet been vetted by the full Council. The proposed state legislation does not have affordability requirements or environmental review and includes minimal off-street parking requirements. These bills could dramatically affect our neighborhoods and our ability to deliver critical services to our residents.

In the densest scenario of SB9, a total of 8 units could be constructed through a lot split without public review and by right. This densification in neighborhoods also comes at a high price for our urban forest canopy. Lot splitting will inevitably lead to tree removals. This legislation comes at a most inopportune time, as we are trying to fight climate change, reduce heat island effects and expand our urban canopy.

The potential consequences of this legislation are murky at best. According to a report from the Turner Center for Housing Innovation at Berkeley, “Relatively few new single-family parcels are

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expected to become financially feasible for added units as a direct consequence of this bill.”<sup>1</sup> The report points out that wealthier homeowners with access to credit will be most likely to change their properties, suggesting that these bills will exacerbate disparities that already exist. Local governments should remain the ultimate decision makers for how their communities are built. We know our streets, our infrastructure, and our neighborhoods. We are more directly accountable to our residents than the state legislature. Every new state mandated land-use law directly impacts our General Plan, which was co-developed with the community in a years-long process.

I urge my colleagues to listen to our residents and neighborhoods and let them continue to help us craft our city’s future development, not to abdicate that responsibility to state legislation and land speculators.