

From: Steve Wrightson [REDACTED]
Sent: Sunday, December 12, 2021 11:10 AM
To: City Council <CityCouncil@atascadero.org>; Heather Moreno <hmoreno@atascadero.org>;
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Subject: Comments Re: Proposed SB-9 Urgency Ordinance

Dear Council Members,
At the December 14, 2021 Council meeting, you will be considering the proposed Urgency Ordinance Adopting Interim Standards for the Implementation of Senate Bill 9. Due to a scheduling conflict, I may be unable to attend that meeting and am therefore submitting comments to you about that item via this email. I am a resident and property owner in Atascadero. My comments are attached.

Thank you for considering my comments.

Respectfully,
Steve Wrightson
[REDACTED]

Comments on Proposed Urgency Ordinance Adopting Interim Standards for the Implementation of Senate Bill 9 as Included on the December 14, 2021 City Council Agenda

Prepared December 12, 2021

I have two items of concern about the proposed Ordinance: 1) the size limitation of 800 sf for the dwelling unit; and 2) the requirement to establish a new water service for a new dwelling unit built on an existing lot containing an existing residence.

The Staff Report, under the heading DISCUSSION/Interim Guidance/Objective Standards, includes a paragraph that reads: *"The law also stipulates that the development standards cannot hinder the ability of the owner to construct an 800 square-foot unit. The law, however, does not dictate a maximum unit size, and thus, the City's interim guidance includes a maximum of 800 square-feet in support of the intent of the law to create affordability by design."* I believe this statement is misleading, is in conflict with the State law, and introduces a subjective interpretation of the intent of the State law.

As written, although acknowledging that the State has not established an upper limit on the size of an Urban Dwelling Unit, the cited paragraph, I believe, leads a reader to believe that the State is narrowly focused on the development of 800 sf dwelling units and the City is proposing to comply. However, in fact, the language in the State law reads that local agencies are allowed to impose objective zoning and objective design standards *"unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area."* Although subtle, I believe saying that the law cannot hinder the owner from building an 800 square-foot unit is considerably different and misleads the reader from the State's language that says the local agency cannot impose standards that preclude the unit from being at least 800 square-feet. In essence, the City is proposing a maximum unit size of 800 square-feet whereas the State law requires local jurisdictions to allow a minimum of 800 square-feet. As such, I believe the proposed maximum of 800 sf is in conflict with the State law. And, with a city-limited 800 sf maximum and a state prescribed 800 sf minimum, the only unit size that can be built is exactly 800 sf. Certainly, that is not the State's intent.

Additionally, the cited paragraph of the Staff Report states that the City's proposed 800 sf size limit has been developed to be *"in support of the intent of the law to create affordability by design."* I believe this is a subjective and incorrect interpretation of the State law. What is affordable housing? Is 800 sf affordable? Is 2000 sf affordable? Affordability is certainly subjective. However, more specifically to the wording in the Staff Report, I have found no wording in the State law stating or even suggesting that the law is intended to create affordable housing or affordability by design. The State law very clearly prohibits construction of new units on properties that would first require the demolition of existing housing that is subject to: 1) *"law that restricts rents to levels affordable to persons and families of moderate, low, or very low income"*; and 2) *"housing that is subject to any form of rent or price control."* Otherwise, the State law does not impose any requirements or objectives for the affordability of newly constructed units. As such, I believe, restricting the size of new units to 800 square-feet to promote affordability is a subjective misinterpretation inconsistent with the State law.

To remedy the proposed size limitation conflict, I suggest that the 800 square-foot maximum be deleted and that the unit size be regulated by existing City standards that prescribe the open space and maximum lot coverage conditions for single family residences.

One last note regarding the unit size limitation. The proposed Ordinance states the unconditioned spaces such as garages and workshops for new units be limited to 280 square-feet and that footage is to be included in the 800 square-foot maximum. For many persons and families in this area, a garage or workshop is an important space. Both the limitation to 280 sf and the inclusion of that footage in the 800 sf maximum is problematic. With a 280 sf garage, the maximum habitable space the proposed ordinance allows is 520 sf. This enters into the “tiny house” realm and will not serve Atascadero families well. The City currently allows up to 1200 sf of conditioned/habitable space for an ADU, not including the garage.

My second item of concern is the proposed requirement that any new urban dwelling unit be connected to a separate water service (separate meter). It is my understanding that the Atascadero Mutual Water Company (AMWC) does not require a separate water service for an Accessory Dwelling Unit (ADU) constructed on a site with an existing primary dwelling unit. The new unit can be connected to the existing water service and extended to the ADU simply by obtaining a “will serve” letter. The new State law allows for the construction of a second dwelling unit, without doing a lot split, on a site that has only one existing dwelling unit. I believe the City’s proposed Ordinance as related to the water service should be consistent with the current water service provisions for ADUs. The cost of a new water service provided by the AMWC is approximately \$24,000 including installation of the meter at the public street. This does not include the cost of installing the water line from the meter to the house which can be considerable for many houses in Atascadero. Requiring a separate water service is a significant cost and affordability issue and is inconsistent with existing City policy for similar construction, i.e. ADUs.

While I understand that this is a temporary version of the new Ordinance, it should still be consistent with the State law.

Respectfully,
Steve Wrightson
[REDACTED]