

**From:** [Tony Daysog](#)  
**To:** [Eric Levitt](#); [Yibin Shen](#); [Lara Weisiger](#)  
**Subject:** [EXTERNAL] Some SB9 Questions In Advance  
**Date:** Tuesday, January 4, 2022 4:41:00 PM

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Hi Eric et al,

I am submitting some SB9 questions in advance. I'll probably raise these tonight. No need to respond back via email.

Question 1: AAPS has submitted a series of questions in a January 3rd letter \ email one of which I'd like to pursue here: in question 6, they are basically saying that SB9 specifically exempts SB9 buildings from local development standards (such as building height, set-back, etc) when local development standards get in the way of building 800 sq. ft homes. In other words, if local standards get in the way of building 80 sq ft. homes, then the SB9 unit is exempt from the local standards. But AAPS points out that the way the ordinance is written, the 1,600 sq. ft. home contemplated by the current ordinance could also receive exemptions from local development standards, if they make the case that development standards get in the way. Shouldn't we go with what the state law says, according to AAPS, and limit exemptions from local development codes only when such exemptions get in the way of building smaller 800 unit homes, especially since these are the homes that are more likely to be affordable relative to larger-size homes?

Question 2: Have you had a chance to review AAPS' comments about the current ordinance language "minimum interior side yard"? According to AAPS, the current language would change side yard requirements for all homes, not just SB9 units. They have shared a language where we correct tis by simply keeping the original final sentence, flipping that sentence to the front of the new sentence the ordinance has, and adding a little bit more. Have you had a chance to see this?

So, it would read as : "Side yards shall total not less than twenty percent of the lot width (as defined in Sec 30-2 deinfitions), and no side yard may either be less than five feet or be required to be more than 10 feet; 4' FOR DWELLINGS CONSTRUCTED PURSUANT TO GOV CODE 65852.2, WHERE PROVISIONS OF THE NORMALLY REQUIRED SIDE YARD WOULD PHYSICALLY PRECLUDE UNITS FROM BEING AT LEAST 800 SQ FT IN FLOOR AREA."

Question 3: In their January 3 letter, AAPS points out that our proposed language with respect to the interplay between SB9 units and historic structures does not follow the language provided in SB 9. What are the reasons why it was so important to diverge from SB 9's language with respect to keeping historic units out of the SB 9 process? For example, where SB9's original language says lot splitting cannot occur where . . . "(d) The parcel is not located within a historic district . . . " , he proposed language says splitting cannot occur where . . . "(d) The land division will not require or result in the demolition of an existing dwelling located within a historic district . . . ". The SB9 state language seems more simple and direct and more effective at protecting historic structures, or structures on the study list. In fact, the original state language the study list, whereas the proposed language removes any reference to properties on the study list. What are the reasons why it was so important to diverge from SB 9's language with respect to keeping historic units out of the SB 9 process?

Thanks

- Tony