



Legislation Details (With Text)

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**Title:** Consideration of Letter of Opposition Regarding Senate Bill 50 - Proposed Housing Legislation to Require Waivers from Maximum Controls on Density and Automobile Parking Requirements Imposing a State-Mandated Local Program (Community Development Director McIntosh).  
AUTHORIZE LETTER OF OPPOSITION

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Proposed Letter

Date	Ver.	Action By	Action	Result
3/19/2019	1	City Council Regular Meeting		

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Anne McIntosh, Community Development Director  
Alexandria Latragna, Management Analyst

**SUBJECT:**  
Consideration of Letter of Opposition Regarding Senate Bill 50 - Proposed Housing Legislation to Require Waivers from Maximum Controls on Density and Automobile Parking Requirements Imposing a State-Mandated Local Program (Community Development Director McIntosh).  
**AUTHORIZE LETTER OF OPPOSITION**

**RECOMMENDATION:**  
Staff recommends that the City Council authorize the Mayor to sign a letter of opposition to the California Senate Housing Committee opposing Senate Bill (SB) 50.

**FISCAL IMPLICATIONS:**  
No fiscal implications associated with the recommended action.

**BACKGROUND:**  
SB 50, introduced by State Senator Wiener (D-11-San Francisco), requires cities and counties to grant an incentive when a development proponent seeks and agrees to construct a residential development that is either a job-rich or transit-rich housing project and meets certain other criteria. The incentives include waivers from maximum controls on density and parking requirements greater

than 0.5 parking spots per unit, up to 3 additional incentives or concessions under the Density Bonus Law, and other additional waivers if the residential development is located within one-half mile or one-quarter mile radius of a major transit stop.

Pursuant to state law, Manhattan Beach Municipal Code (MBMC) provides for a density bonus, offering incentives to developers of affordable housing in the form of exemptions from the development standards and minimum parking requirements. SB 50 would seek to extend the exemptions offered to such developments, well beyond the reach of the City's General Plan and MBMC.

#### **DISCUSSION:**

Staff recommends City Council authorize the Mayor to sign a letter to the California Senate Housing Committee opposing SB 50. When considering land-use regulations at the state level, it is important to examine the role that local governments play in the decision-making process. Certain locally reserved powers are derived from the California Constitution relating to the authority to regulate behavior to preserve the health, safety, and welfare of the public-including land-use authority. Specifically, the police power clause states that cities and counties are to "make and enforce within its limits, all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." (*Cal. Const., art XI, § 7*). Land-use and zoning laws are intended to be under the jurisdictional purview of cities and counties, and historically have been treated as such. SB 50 seeks to strip away these historic legal norms and powers.

State law requires that cities adopt a general plan, which establishes the long-range goals for the physical development of the community-including the number of required parking spaces, maximum heights, and densities for housing units. As stated above, the MBMC currently provides for a density bonus. SB 50, if approved as written, would go even further, requiring that transit-oriented affordable housing developments in the City receive additional waivers from maximum controls on density or parking requirements.

While the authors of SB 50 state that the purpose of this legislation is to address the housing crisis in California through infill housing, in coastal communities such as Manhattan Beach, where density is high and empty lots are few, the result is that SB 50 would encourage redevelopment, not infill. SB 50 would preempt the local control that Manhattan Beach has put in to place which serve to protect and preserve the quality of life and small beach town character.

Staff recommends that the City Council approve sending a letter to the California Senate Housing Committee opposing Senate Bill 50.

#### **PUBLIC OUTREACH:**

After analysis, staff determined that public outreach was not required for this issue.

#### **ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

#### **LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is

necessary.

**ATTACHMENT:**

1. Proposed Letter