



Legislation Text

File #: 18-0073, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, Interim City Manager

FROM:

Anne McIntosh, Community Development Director
George Gabriel, Management Analyst

SUBJECT:

Request by Mayor Howorth and Mayor Pro Tem Napolitano to Send Letter of Opposition Regarding Senate Bill 827, Exempting Certain Housing Projects from Locally Developed and Adopted Height Limitations, Densities, Parking Requirements and Design Review Standards (Community Development Director McIntosh).

AUTHORIZE LETTER

RECOMMENDATION:

Mayor Howorth and Mayor Pro Tem Napolitano request that the City Council authorize a letter opposing Senate Bill (SB) 827.

FISCAL IMPLICATIONS:

No fiscal implications associated with the recommended action.

BACKGROUND:

Authored by State Senator Scott Weiner (D-11-San Francisco), Senate Bill (SB) 827 exempts certain housing projects from locally developed and adopted height limitations, densities, parking requirements and design review standards.

SB 827 states:

“The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would authorize a transit-rich housing project to receive a transit-rich housing bonus. The bill would define a transit-rich housing project as a residential development project the parcels of which are all within a 1/2 mile radius of a major transit stop or a 1/4 mile radius of a high-quality transit corridor, as those terms are further defined. The bill would exempt a project

awarded a housing opportunity bonus from various requirements, including maximum controls on residential density or floor area ratio, minimum automobile parking requirements, design standards that restrict the applicant's ability to construct the maximum number of units consistent with any applicable building code, and maximum height limitations, as provided."

Last year, the California Legislature passed, and the Governor Jerry Brown signed, a comprehensive 15 bill "housing package." These bills included measures that provided new sources of funding, streamlined the housing approval process, and increased oversight of local government land use decisions. All of these bills took effect on January 1, 2018, two days prior to the introduction of SB 827. City Staff, along with other cities in California, have begun to analyze the impacts of the proposed law.

DISCUSSION:

Staff has reviewed SB 827 and is concerned with the lack of local control the bill offers in its current form. SB 827 strips local government officials and community members of their ability to appropriately plan for future development. Instead, SB 827 gives developers and transit agencies, who are unaccountable at the local level, the power to exempt themselves from locally developed and adopted building height limitations, densities, parking requirements and design review standards.

The City of Manhattan Beach currently has numerous adopted ordinances related to building height limitations, densities, parking requirements and design review standards. SB 827 would preempt the numerous ordinances the Manhattan Beach City Council has adopted and leave the City at risk of losing all protections necessary to preserve the quality of life residents are favorable to.

Another concern has been raised by transit agencies who believe this law will have a chilling effect on new transit lines/stations. Community members will associate new transit with additional housing development thereby creating potential opposition to much needed transit projects.

SB 827 aspires to solve the housing crisis in California, but Staff is concerned that the legislation is an overreach that limits and prevents current local controls within the City's Municipal Code.

If directed by the City Council authorizing Staff to send an opposition letter on SB 827, Staff will prepare a letter for Mayor Howorth to sign indicating City Council's desire to oppose the legislation. The letter will be sent to State Senator Scott Weiner, State Assemblyman Al Muratsuchi, State Senator Ben Allen, Senate Transportation and Housing Committee, Senate Governance and Finance Committee, and the League of California Cities.

POLICY ALTERNATIVES:

ALTERNATIVE #1:

No action on legislation.

PROS:

- No staff time dedicated to monitoring and/or opposing legislation.

CONS:

- No input from City on proposed legislation that may be harmful to City interests.

PUBLIC OUTREACH/INTEREST:

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

LEGAL REVIEW

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

Attachments:

1. Senate Bill 827
2. League of California Cities Letter