



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Administrator

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE
OPPOSING SB 827 (WIENER) – PLANNING AND ZONING: TRANSIT RICH
HOUSING BONUS

MEETING DATE: April 3, 2018

RECOMMENDATION:

Adopt a Resolution opposing SB827 – Planning and Zoning: Transit Rich Housing bonus.

BACKGROUND/ANALYSIS:

California is immersed in one of the worst affordability crises in the nation with rents and home prices rising far quicker than income. In 2017, the State Legislature adopted 15 laws meant to speed up housing production, streamline housing approvals, and increase housing supply in order to meet the existing and growing need. SB 827, introduced by Senator Scott Wiener (D-San Francisco), also aims to address the affordable housing crisis by encouraging high-density housing developments near transit. Although the intent of the bill has merit, the requirements of the bill as currently drafted are too extreme and remove local control of zoning and land use decisions.

SB 827 authorizes a transit rich housing bonus for new developments within a certain distance of a “major transit stop” or a “high quality transit corridor”. The State Public Resources Code Section 21064.3 defines a major transit stop as a site containing an existing rail transit station, a ferry terminal serviced by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A high quality transit corridor is defined as a corridor with fixed route bus services that has service intervals of no more than 156 minutes during peak commute hours. Areas of Commerce that could be categorized in this manner include but are not limited to Garfield & Washington, Garfield and Telegraph, Eastern and Everington, Atlantic and Washington, and Goodrich and Whittier Boulevard.

According to SB827, all parcels within a certain distance of major transit stops and high quality corridors are considered potential locations for transit rich housing projects and are eligible to receive a transit rich housing bonus. This bonus would exempt any

development with housing from maximum residential or floor area ratio requirements, minimum parking requirements, and design standards that restrict the applicant's ability to construct the maximum numbers of units consistent with the applicable building code.

Most significantly, SB 827 exempts transit rich housing projects from maximum height limitations imposed through any local ordinance, general plan element, or other local law. Specifically it states the following:

- If the transit rich housing project is within a one-quarter mile radius of a high quality transit corridor or within one block of a major transit stop, the maximum height limitation cannot be less than 85 feet – about 8 stories. If the parcel is facing a street that is less than 45 feet wide from curb to curb, the maximum height limitation cannot be less than 55 feet.
- If the transit rich housing project does not meet the criteria detailed above, but is within one-half mile of a major transit stop, the maximum height limitation cannot be less than 55 feet – about 5 stories. If the parcel is facing a street that is less than 45 feet wide from curb to curb, the maximum height limit cannot be less than 45 feet.

The City of Commerce is supportive of new housing and measures to increase affordable housing. Over the years the City has developed new housing for its residents and maintains a certified housing element. SB 827 would undermine locally adopted General Plans, Housing Elements (which are certified by the Department of Housing & Community Development), and Sustainable Communities Strategies. SB 827 allows private for profit housing developers and, by default, transit agencies to determine housing densities, parking requirements, and design review standards within one-half mile of a “major transit stop”, or along a “high quality transit corridor” which could be miles away from an actual bus stop. Under existing law, cities are already required to zone for densities at levels necessary to meet their Regional Housing Needs Allocation as part of their Housing Elements. Additionally, SB 827 would provide developers a means to generate additional profits without any requirement to build affordable housing.

Exempting large scale developments from General Plans, Housing Elements, and zoning ordinances goes against the principles of local democracy and public engagement. Public hearings allow members of the community to inform their representative of their support or concerns when planning documents are developed. Public engagement also often leads to better projects. Disregarding such processes will increase public distrust in government and could lead to additional ballot measures dealing with growth management. Lastly, SB 827 does not take into consideration infrastructure demands created by additional height and density. It would potentially increase the demand for water, sewer, and electrical service without providing additional funding for local governments to accommodate these increases.

Staff is therefore recommending adoption of a resolution opposing SB 827 and to permit staff to forward such resolution along with a letter of opposition to the appropriate state representatives with the signature of the Mayor and/or Council Members if all 5 Council Members approve unanimously.

ALTERNATIVES:

1. Adopt the subject Resolution; or
2. Provide staff with further direction

FISCAL IMPACT:

There is no fiscal impact with respect to this item.

Prepared by: Matt Marquez, Deputy Director of Development Services

Recommended by: Maryam Babaki, Director of Public Works and Development Services

Approved as to form: Noel Tapia, City Attorney

Respectfully submitted: Edgar P. Cisneros, City Administrator

ATTACHMENTS:

1. City Council Resolution
2. SB 827 Language