

PROPOSED WRAC LUPC MOTION OPPOSING SB 50 DRAFT 4 [WIENER]

Approved unanimously 1-6-2019

Whereas California neighborhoods **depend** upon high quality, citizen driven, local community planning for justice and equity and balanced development, and

Whereas State Senate Bill 50 [Scott Wiener] weaponizes state government code to eviscerate local planning statewide and thereby increases financialization of land use; intensifies inequality; encourages predatory speculative activity; and masks massive wealth transfer by shifting property ownership opportunities away from small owners to corporate investors, and

Whereas the City Charter-mandated Neighborhood Council system of Los Angeles, and the Community Councils of the City of Los Angeles, represent grass roots democracy, and

Whereas California State Senate Bill 50 [Scott Wiener] establishes "one size fits all" development criteria--based on changeable municipal structures such as bus stops and employment locations--to be determined, without democratic due process or public scrutiny, by the Department of Housing and Community Development and the Office of Planning and Research, and

Whereas the lack of analysis of infrastructure and other costs associated with this pen stroke planning creates grave uncertainty that any local agency would be able to *"levy enough service charges, fees or assessments sufficient to pay for the program or level of service mandated by this act within the meaning of Section 17556 of the Government Code"*, and given the aforementioned lack of fiscal analysis, Section 6 of Article XIII B of the California Constitution "No reimbursement" clause is wrongfully applied to this legislation,

Whereas reform is needed for the present state legislative system which allows sweeping, ideological blunt instrument legislation such as SB 50 to be introduced *without extensive vetting in local public hearings prior to consideration in the State Legislature, and*

Whereas this wholesale removal of all land use authority to the State clearly abolishes all meaningful local input into land use planning and therefore constitutes an attack upon local democracy, upon neighborhoods, and upon the Neighborhood Councils and Community Councils in the City of Los Angeles,

Therefore, _____ Neighborhood/Community Council opposes SB 50 and urges our City Councilmembers to introduce a resolution in Council forthwith, opposing SB50.

TALKING POINTS: SB 50 CHAPTER 4.35. Equitable Communities Incentives 65918.50: Essentially the same fatal flaws as 827 with huge impacts upon local planning. The bill forces cities to allow large multi-family residential structures in "transit-rich" zones, regardless of limitations imposed by local community plans, specific plans or zoning restrictions; it also forces cities to allow such structures near "jobs-rich projects," to be determined not on the local level but by a State agency in Sacramento

References to the draft bill are in **red**:

- Ignores infrastructure by setting statewide, inflexible "minimum performance standards for community plans, such as minimum overall residential development capacity" without any CEQA analysis: **65918.55 (b)(3)**
- Allows an "equitable communities incentive" *automatic* base of 5 concessions, including waivers from maximum density controls, for the new "Jobs-rich housing project" definition: **65918.53 (a)(1)** and 6 concessions for Major Transit Stops **65918.53 (2) and (3)**
- Enables "bonus stacking" through connecting the existing concessions in state density bonus law [**SB 1818, now Section 65915**] which presently enables reductions relative to *"...site development standards; modification of zoning code requirements; architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission...including, but not limited to, a reduction in setback and square footage requirements"*, again without CEQA analysis **65918.53 (a)(4)**
- Establishes a rigid statewide zoning code for FAR...*and use*: **65918.53 (a) and (b)**
- Overrides ReCode's tools for bill and mass: **65918.53**
- Essentially eliminates grass roots participation in the majority of local land use planning decisions by superimposing a new 'as of right' project definition, "Job-rich housing project", which is based on fluctuating municipal conditions. Companies open and close and move, but high density land use entitlements based on snapshots in time may be granted in perpetuity through this proposed law: **65918.50 (f)**
- Raises significant due process issues as Department of Housing and Community Development and the Office of Planning and Research become the de facto state zoning board and board of appeals: **65918.50(f) and (j)**
- The bogus tenant occupancy time limits constitute an invitation to speculative land banking as big capital investors can afford to buy, evict, and wait 7 years: **65918.52(d)**