

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

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 Council of Westchester/Playa 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.

Reason to oppose now rather than wait until April: Important to register strong objections immediately in January/February as the bill's author has control of the State Senate Housing Committee which has been split off from Transportation.

Weaponizing of state code: FAR, or floor area ratio, is a city's basic tool to control height and bulk of buildings. Use is a city's basic tool to determine what goes in those buildings. Moving FAR and use to Sacramento guts local planning processes.

The density bonuses in this bill become the required base level, and stacking of bonuses is allowed

The bill forces cities to permit over the counter larger multi-family residential structures in "transit-rich" zones, regardless of limitations imposed by local community plans, specific plans, zoning restrictions or jurisdiction boundaries; it also forces cities to allow such structures near "jobs-rich projects," to be determined not on the local level but by State agencies in Sacramento. NCs and CCs would not get an opportunity to review or comment. This state control could be expanded without warning.

The potential for increased financialization of land use, and for predatory speculative activity, should be fairly obvious considering ongoing FBI investigations into LA's CC PLUM process as well as the rise of short-term rentals.

Porting land use decision making to Sacramento, where there is arguably less public scrutiny than local municipalities, is not a particularly good idea for open, transparent, responsive government.

California should be looking to increase ownership opportunities for communities of concern.

SB 50 seeks to impose community plan time limits raising this potential scenario: All Los Angeles' Community Plan updates might not be finished--and legally approved--in time. Moving thousands of projects to by-right status means no community benefits exchanged for these concessions as benefits are typically written into LA's plans. A community plan with community benefits imposed after the fact could well be tossed out in court. State law trumps local.

Bottom line: with the housing packages previously approved by the state legislature, there is no need for this bill.

NOTE: Gov. Newsom seeks to withhold gas tax revenues from cities which do not meet their RHNA goals. There exists some agreement that RHNA needs to be equitably applied, and that therefore RHNA is the more appropriate vehicle for legislative adjustments increasing housing production in California.

References to current provisions in 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 bulk 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 tenant occupancy time limits offer a false sense of security as the bill’s more onerous provisions are merely postponed. Community rights to plan responsibly are overridden after the delay. Meanwhile, an incentive to speculative land banking exists as big capital investors can afford to offer cash for properties in the target areas, accumulate multiple single owner properties, evict tenants, and wait until after the 7-year delay to build. This process destroys the fabric of stable communities, siphons off affordable housing, and creates blight **65918.52(d)**
- No pro forma requirement whatsoever