



## CITY OF MURRIETA

January 21, 2020

The Honorable Scott Wiener  
Senator, California State Senate  
State Capitol Building, Room 5100  
Sacramento, CA 95814

**RE: SB 50 (Wiener) Planning and Zoning. Housing Development Incentives  
Oppose Unless Amended (as amended 01/06/2020)**

Dear Senator Wiener:

The City of Murrieta opposes SB 50 unless the measure is further amended to address our key concerns.

**Specific Concerns with the January 6, 2020 Amendments**

It appears that the intent of the amendments are to provide local governments with an opportunity to develop their own plan to meet the goals and objectives of SB 50. Although the goal of increased density around transit is clear; the goal of the bill regarding a jobs-rich housing project is not.

The amendments, as drafted, raise the following concerns:

- **Without clearly identified criteria, we are unable to evaluate** whether the “local flexibility plan” is actually viable alternative planning option.
- **Office of Planning and Research (OPR) and Department of Housing and Community Development (HCD) are tasked with developing “rules, regulations, or guidelines”** for the submission and approval of a local flexibility plan without sufficient direction from the Legislature. This rulemaking process is exempt from the Administrative Procedures Act, thus allowing the OPR and HCD to craft rules, regulations, or guidelines with little to no public input or oversight.
- **The elements of the plan are not clear:** Further Legislative direction is required.
  - “Achieve a standard of transportation efficiency as great or greater than if the local government were to grant equitable communities incentives.” SB 50 does not contain any language regarding “transportation efficiency.” Therefore, it is not possible to determine how HCD, OPR or a local government will determine how to meet this standard or how a “local flexibility plan” is expected to comply with this standard.



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- “Increase overall feasible housing capacity for households of lower, moderate, and above moderate incomes, considering economic factors such as cost of likely construction types, affordable housing requirements, and the impact of local development fees.” The override provisions of SB 50 do not contain any language regarding “feasible housing capacity for households of lower, moderate, and above moderate incomes,” nor does it address “economic factors such as cost of likely construction types, affordable housing requirements, and the impact of local development fees.” Therefore, it is not possible to determine how HCD, OPR or a local government will determine how to meet this standard or how a “local flexibility plan” is expected to comply with this standard.
- SB 50’s “community plan” for sensitive communities provides a much clearer alternative and should be considered as a possible alternative planning process for all jurisdictions.

### **Remaining Objections to SB 50**

If a city elects not to develop a “local flexibility plan” or if HCD does not approve a submitted “local flexibility plan” by January 1, 2023, a city is required to give a developer an “equitable communities incentive”, which overrides locally developed and adopted height limitations, housing densities, and parking requirements. Many statewide standards, enacted by the Legislature, are included in the State’s Planning law. Standards should not be established by individual applicants.

Developers of certain housing projects should not be allowed to override locally developed (and HCD-approved) housing elements, which identify adequate sites with sufficient density to accommodate a city’s share of the regional housing need. Specifically, the following are significant concerns:

- Wasting time and money. SB 50 would greatly undermine locally adopted General Plans, Housing Elements (which are certified by the HCD, and Sustainable Community Strategies (SCS). By allowing developers to override state approved housing plans, SB 50 seriously calls to question the need for cities to develop these community based plans and the justification for spending millions of state and local funds on the planning process. HCD spends a significant amount of money and staff time to review and certify housing elements for 482 cities. In 2019 alone, HCD allocated nearly \$130 million to local governments to update their housing plans and approval processes. The 2019/20 State Budget allocated an additional \$250 million on local plans. Why would the Legislature pass a bill that encourages developers to defy these plans and essentially waste millions of taxpayer dollars?



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- Gives housing developers and transit agencies, who are unaccountable to local voters, the power to determine housing densities, heights up to 55 feet, parking requirements, and design review standards for “transit-rich housing projects” within one-half mile of a major transit stop. For those “transit-rich housing projects” within one-quarter mile radius of a stop on a high-quality bus corridor, developers would be able to determine housing density, and parking requirements above .5 spots per unit.
- What is the full scope of SB 50? As presently drafted, it is very difficult to determine what constitutes a “jobs-rich area” since the Department of Housing and Community Development and the Office of Planning and Research are largely tasked with making that determination. It is hard to understand why the Legislature would want the Executive Branch to define essential terms that have broad implications for how SB 50 would be implemented. Additionally, by not defining “jobs-rich area” in statute, there is no way of knowing if SB 50 will actually accomplish its stated goal.
- Greater density but no public transit? SB 50 would require cities to allow greater density in communities that are high opportunity and jobs rich, but may lack access to public transit. This seems at odds with many state policies that encourage and incentivize more dense housing near transit so that individuals may become less dependent on automobiles. It’s only been a few years since the Legislature determined that the impact on the transportation environment from a housing project should be measured in vehicle miles traveled.
- Two-tiered process that exempts cities with a population of less than 50,000 that are in a county with a population of less than 600,000, from the most extreme provisions of the measure. It is unclear why these cities should be treated differently than a similar size city in a county with a population over 600,000. Instead of arbitrarily establishing a population metric, it would be much more appropriate to consider the full range of community characteristics when determining which areas of the state SB 50 should apply.



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For the reasons stated above, the City opposes SB 50 unless amended. If you have any questions, please contact Louie Lacasella, City Manager's Office at (951) 461-6008 or [llacasella@MurrietaCA.gov](mailto:llacasella@MurrietaCA.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Wunderlich", is written over a light blue horizontal line.

Gene Wunderlich  
Mayor

cc. Murrieta City Council  
28<sup>th</sup> Senate District Office  
Assembly Member Melissa Melendez  
Erin Sasse, League of California Cities Public Affairs Manager  
David Jones, Emanuels Jones & Associates  
Southwest California Legislative Council