

MOTION PLANNING & LAND USE MANAGEMENT

On July 7, 2016, Ordinance No. 184745 ('Affordable Housing and Labor Standards Related to City Planning'), Council File No. 16-0684, became effective, to address the City's homeless and affordable housing crisis. The ordinance was a citizen sponsored ballot initiate (Initiative Ordinance JJJ) that was approved by City voters on November 8, 2016.

Among the various requirements of the JJJ ordinance is the creation of a new affordable housing incentive program for developments near major transit stops. In addition, the ordinance contains a 'Transit Oriented Communities (TOC) Affordable Housing Incentive Program,' along with its associated TOC program guidelines, that are applicable to all housing developments located within a one-half mile radius of a Major Transit Stop. As specified in the ordinance, each one-half mile radius along a Major Transit Stop constitutes a unique TOC Affordable Housing Incentive Area.

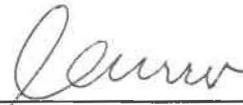
On January 3, 2018, Senate Bill No. 827 (Weiner) was introduced, which would exempt a housing project with parcels all within 1/2 mile radius of a major transit stop, or a 1/4 mile radius of a stop on a high quality transit corridor from various requirements, and enables the State to override local zoning laws to let project applicants build taller and more densely around rail stations and bus lines.

If enacted into law, the aforementioned radii would cover large sections of the entire City, effectively undermining local land use regulatory controls embedded in the zoning code, and the hard work of community stakeholders who have collaborated in the implementation of Community Plans; enacted and pending Community Plan Implementation Overlay Districts (CPIOs); Transit Oriented Districts (TODs), Specific Plans; Design Review; Historic Preservation Overlay Districts (HPOZs) and potential demolition impacts; parking regulations; and height districts and their associated limitations; and environmental review; as an example.

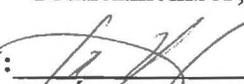
Clearly, the City and the State face a housing crisis at many income levels, and therefore, must enact land use and housing policies that expand housing opportunities to those who are very low, low, moderate, and middle income residents, but not at the expense of local land use regulatory controls and community participatory planning. SB 827 is of utmost concern inasmuch as it is inconsistent with the City's land use regulations and protections embedded in the Land Use Element and its associated 35 Community Plans and other land use regulatory controls.

I THEREFORE MOVE that the Council instruct the Planning Department, with the assistance of the City Attorney, to prepare a report with recommendations as it pertains to SB 827 (Weiner) pending in the State Legislature, and how it would affect the City' zoning and land use regulatory process if it were enacted into law; and specifically, how it would impact any existing and pending updates to the Land Use Element and its 35 Community Plans; Community Plan Implementation Overlay Districts; the Transit Oriented Communities Affordable Housing Incentive Program; Transit Oriented Districts; Specific Plans; Design Review; Historic Preservation Overlay Districts and potential demolition impacts; parking regulations; height districts and their associated limitations; environmental review; single family and other residential zones citywide, and any other land use regulatory controls.

PRESENTED BY:


CURREN D. PRICE, JR.
Councilmember, 9th District

SECONDED BY:


JOSÉ HUIZAR
Councilmember, 14th District



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