



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

Ken Stripling

DATE: April 25, 2017

SUBJECT: STATE LEGISLATION: SENATE BILL 35

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council adopt the Legislative Committee's recommendation to oppose Senate Bill 35 (Wiener) and transmit position statements to Senator Wiener, Santa Clarita's state legislative delegation, appropriate legislative committees, Governor Brown, and the League of California Cities.

BACKGROUND

Authored by Senator Scott Wiener (D-San Francisco), Senate Bill 35 proposes to require a city or county to submit to the State Legislature, the Department of Housing and Community Development, and the Office of Planning and Research, an annual report regarding a local agency's general plan related to housing. This bill also proposes to streamline the approval process for specific multifamily residential developments by eliminating the requirement of a conditional use permit by a local agency.

Specifically, this bill:

1. Requires a city or county, on or before April 1, 2018, and on or before April 1 each year thereafter, to submit a report to the State Legislature, the Department of Housing and Community Development, and the Office of Planning and Research that includes the following:
 - a. The units of housing that have secured all approvals needed to qualify for a building permit from a local government and the income category each unit of housing satisfies.
 - b. The status of the general plan and progress in meeting the local share of regional housing needs determined by the general plan.

2. Prohibits a city or county from issuing a conditional use permit on a multifamily housing development, if the development meets the following criteria:
 - a. The development contains two or more residential units.
 - b. The development is located on a site that satisfies both of the following: is an urban infill site and is zoned for residential use or residential mixed use development.
 - c. If the development contains units that are subsidized, units shall remain subsidized for 55 years if rented and 45 years if owned.
 - d. The development is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government.
 - e. The development is subject to a requirement mandating a minimum percentage of below market rate housing based on the following:
 - (a) The city or county constructed fewer units of above moderate income housing than was required for that year and dedicates an unspecified percentage of the total number of units to below market rate housing.
 - (b) The city or county constructed fewer units of very low, low or moderate income housing than was required for that year, and dedicates an unspecified percentage of the total number of units to below market rate housing.
 - f. The development is not located on a site that is any of the following: a coastal zone, prime farmland or farmland of statewide importance, wetlands, or a hazardous waste site. The development shall also not be within: a very high fire hazard severity zone, delineated earthquake fault zone, flood plain, or floodway.
 - g. The development does not require the demolition of the following: housing that is subject to rent control, housing that is subject to deed restrictions, housing that has been occupied by residents within the past 10 years, or a historic structure that was placed on a national, state, or local historic register prior to December 31, 2016.
3. Restricts a city or county from requiring more than one parking space per unit for any multifamily residential development that meets the criteria listed in Section (2) of this summary. A city or county cannot impose any parking standards if the multifamily residential development meets the listed criteria in Section (2) of this summary and is pursuant to any of the following instances:
 - a. The development is located within one-half mile of public transit.

- b. The development is located within an architecturally and historically significant historic district.
- c. When on-street parking permits are required but not offered to the occupants of the development.
- d. When there is a car share vehicle located within one block of the development.

This bill proposes a streamlined process for multifamily residential developments and as a result, pre-empts local discretionary land use authority. Senate Bill 35 restricts local agencies from administering a conditional use permit on specific multifamily residential developments that meet standards listed in the bill. Furthermore, the current version of this bill eliminates the public hearing component used by local planning departments when reviewing proposed new multifamily residential developments. As a result, concerns regarding traffic, parking and other development impacts related to local land use may never be reviewed by a local agency if Senate Bill 35 is to pass.

The City of Santa Clarita 2017 Legislative Platform (Legislative Platform) includes components related to preserving local authority regarding local land use. Specifically, component 15 under the “State” section of the Legislative Platform advises that the City Council, “Oppose legislation that would interfere with, limit or eliminate the decision-making authority of local governments in the area of local land use.” Senate Bill 35 eliminates the opportunity for public review of major multifamily residential developments and therefore, limits the local authority cities have in reviewing new multifamily residential developments.

Senate Bill 35 passed the Senate Committee on Transportation and Housing (7-3-3) and was referred to the Senate Committee on Governance and Finance on April 4, 2017. The committee hearing date in the Senate Committee on Governance and Finance has not been scheduled as of the completion of this report.

The City Council Legislative Committee met on April 11, 2017, and recommends that the City Council adopt an “oppose” position for Senate Bill 35.

ALTERNATIVE ACTION

1. Adopt a “neutral” position on Senate Bill 35
2. Adopt a “support” position on Senate Bill 35
3. Take no action on Senate Bill 35
4. Refer Senate Bill 35 back to the Legislative Committee
5. Other action, as determined by the City Council

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City's adopted 2016/17 budget.

ATTACHMENTS

SB 35 - Multifamily Residential Developments