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March 14, 2018

The Honorable Scott Wiener  
California State Senate  
State Capitol Building, Room 4066  
Sacramento, CA 95814

**RE: SB 827 (Wiener) Planning and Zoning.  
Notice of Opposition (as amended 3/1/18)**

Dear Senator Wiener:

The League of California Cities regrets that it must continue to oppose your SB 827, which would effectively rezone all land within one-half mile radius of a “major transit stop” or one-quarter mile radius of a transit stop on a “high quality transit corridor” to accommodate buildings up to 10 stories tall.

The recent amendments fail to address our primary concerns with the measure. The League of California Cities strongly objects to the following provisions that remain in SB 827:

- **Granting housing developers land use authority likely violates the State Constitution.** SB 827 would allow developers to determine building height (up to 10 stories), housing densities, parking requirements, and design review standards within specified transit areas. Land use regulation is a Constitutionally-bestowed local government function. Delegating to a developer the authority to regulate density and height takes this essential local government function out of the hands of the public and puts it into the hands of the private sector. Bestowing land use power onto profit driven developers that are unaccountable to community members is contrary to existing law and may violate Article XI, section 11 of the State Constitution.
- **Empowers transit agencies to upzone communities without local approval.** SB 827 upzoning within one-quarter mile radius of a transit stop is predicated on a transit agency providing bus service at fifteen minute intervals or less during peak commute periods. By simply shifting a bus route or increasing service to four times per hour, developers would be able to dictate building height (up to 105 ft.), density, parking requirements, and design review standards without regard to community impacts.
- **Completely upends and undermines required planning documents.** Local governments are required by state law to adopt General Plans and Housing Elements (which are certified by the Department of Housing and Community Development) and are required to make sure that development is consistent with their general plans and housing elements. Local governments are also encouraged to follow the lead of Sustainable Community Strategies (SCS) that seek to integrate housing and transportation policies. These documents represent months, or even years, of community

involvement and engagement, and act as a blueprint for future development. SB 827 ignores these critical planning documents.

- **Doubles down on CEQA exemption for SB 35 sites.** SB 827 allows developers to take advantage of SB 35 streamlining and avoid CEQA and its required public engagement process on sites that meet SB 35 criteria. A major component of SB 35 is that projects must be consistent with locally adopted plans in order to be eligible for streamlining. SB 827 applies the same streamlining as SB 35 on qualified sites, but it also allows for height and density at levels never considered or mitigated for by an Environmental Impact Report (EIR).

Instead of dramatically upending long-standing state required planning processes, the League believes that the Legislature should focus more on assisting the Department of Housing and Community Development (HCD) with implementing the 15 bill “Housing Package” that took effect three months ago. Importantly, HCD is already understaffed and is currently seeking a significant budget augmentation to hire additional personnel. As a result, HCD has only begun to solicit stakeholder input and involvement, and it will be many months before guidelines are issued.

While there is still more work to be done to address the housing affordability and supply crisis gripping many regions of the state, the Legislature, housing developers, and cities all need adequate time to fully understand and digest the many changes to California housing laws.

The League is committed to collaboratively working with you and others on finding solutions. However, as amended, the League must continue to oppose SB 827. If you have any questions, please do not hesitate to contact me at (916) 658-8264.

Sincerely,



Jason Rhine  
Legislative Representative

CC: Chair and Members, Senate Transportation and Housing Committee  
Chair and Members, Senate Committee on Governance and Finance  
Alison Hughes, Consultant, Senate Transportation and Housing Committee  
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