

TOWN OF FAIRFAX
STAFF REPORT
February 7, 2018

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Authorize Mayor to send letter in opposition to SB 827 (Wiener) which would exempt certain housing projects from locally developed and adopted height limitations, densities, parking requirements, and design review standards

RECOMMENDATION

Authorize Mayor to send letter in opposition to SB 827 (Wiener).

DISCUSSION

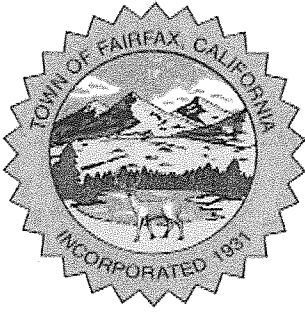
Mayor Lacques requested this item be added to the agenda. The letter opposing SB 827 is attached.

FISCAL IMPACT

N/A

ATTACHMENT

Letter



TOWN OF FAIRFAX

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February 7, 2018

The Honorable Scott Wiener
California State Senate
State Capitol, Room 4066
Sacramento, CA 95814-4900

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

Dear Senator Wiener:

The Town of Fairfax opposes SB 827 (Wiener), which would exempt certain housing projects from locally developed and adopted height limitations, densities, parking requirements, and design review standards.

SB 827 mandates approval of 8-story apartment blocks if they are within ¼ mile of a bus route. While 8-story apartment buildings may be consistent with downtown San Francisco, they are astoundingly out of character with small towns such as Fairfax, and the vast majority of residential neighborhoods in California.

SB 827 also does nothing to favor affordable housing, let alone low- or very low-income housing, which are in far greater demand than for-profit “market rate” housing. Instead, SB 827 mandates approval of *any* high-density housing development anywhere within ¼ mile of a transit route. This can quickly lead to overdevelopment and blight once housing markets take a downturn – especially in areas outside of the Bay Area which are more prone to economic decline and downturns in housing prices.

Specifically, SB 827 would undermine locally adopted General Plans, Housing Elements (which are certified by the Department of Housing and Community Development), and Sustainable Community Strategies (SCS). SB 827 is inherently anti-democratic, in that it takes planning authority away from a town’s elected officials, and gives that power to private for-profit housing developers and unaccountable transit agencies to determine housing densities, parking requirements, and design review standards within ½ mile of a “major transit stop,” or along a “high-quality transit corridor.” These nebulous, zoning-free “corridors” could extend miles away from an actual bus stop. Under existing law, cities are already required to zone for densities at levels necessary to meet their entire Regional Housing Needs Allocation (RHNA). Additionally, SB 827 would provide developers a means to generate additional profits without any requirement to build affordable housing.

In May 2017, Fairfax approved “Victory Village,” a 54-unit 100% affordable, senior housing project. Through our robust local planning process, this project benefitted from extensive community public input and engagement process. Working together, the Town and project proponent balanced community concerns with the project’s financial needs. This resulted in a better project, which was widely supported by the community. Furthermore, this project approval met our RHNA while maintaining the integrity of the Town’s community development standards such as height restrictions. Working with existing zoning laws, the Town had the flexibility to allow greater density for the project than was identified in the Town’s General Plan and Housing Element (HE). Specifically, the project approvals included a density bonus which allowed the project to exceed the HE objective of a 40-unit senior, affordable housing project.

SB 827, as written, obliterates the kind of local control and flexibility that is required for towns and cities to balance the need for truly affordable housing with responsible development standards.

Exempting large-scale developments from General Plans, Housing Elements, and zoning ordinances goes against the principles of local democracy and public engagement. Public hearings allow members of the community to inform their representative of their support or concerns when planning documents are developed. As was the case in Victory Village, public engagement leads to better projects. Disregarding such processes will increase public distrust in government and could lead to additional ballot measures dealing with growth management.

For these reasons, the Town of Fairfax strongly opposes SB 827.

Respectfully submitted,

PETER LACQUES
Mayor, Town of Fairfax

cc: The Honorable Mike McGuire
California State Senate
State Capitol, Room 5061
Sacramento, CA 95814

The Honorable Bill Dodd
California State Senate
State Capitol, Room 5064
Sacramento, CA 95814

The Honorable Marc Levine
California State Assembly
State Capitol, Room 5135
Sacramento, CA 94249