



City Council

Mike Anderson, Mayor
Susan Candell, Vice Mayor
Steven Bliss, Council Member
Cameron Burks, Council Member
Teresa Gerringer, Council Member

January 17, 2020

The Honorable Senator Wiener
California State Senator, 11th District
State Capitol, Room 5100
Sacramento, CA 95814

RE: SB 50 (Wiener) – OPPOSE UNLESS AMENDED

Dear Senator Wiener,

On behalf of the City of Lafayette, I am writing to inform you of the City's opposition to SB 50 (Wiener), unless the bill is amended.

The City understands that your intent for SB 50 is to help relieve the housing shortage and affordability crisis in California by allowing for expanded housing near job centers and public transportation. The City agrees with you regarding the need for additional housing, and affordable housing; however, we do not believe the current version of SB 50 will achieve these goals and could have severe negative impacts in communities, like Lafayette, throughout the State.

The City has carefully considered the new amendments, as well as the remaining provisions of SB 50, and while we recognize the value of some of the amendments, the City of Lafayette must maintain our oppose unless amended position on SB 50 at this stage.

Overall, the revisions to SB 50 are an improvement for cities. The inclusion of a two-year delay in implementation, along with the local flexibility provided through an alternative method of compliance, are positive improvements for the City of Lafayette. Additionally, the new provisions that provide that local residents would receive priority on 40% of affordable units that are created pursuant to SB 50 is an improvement and can help ensure that local residents can benefit from any new affordable developments.

Nonetheless, we feel that at present there are too many variables in the bill to know exactly how it would affect the City of Lafayette. For example, the option to prepare our own local flexibility plan that "meets the requirements" of SB 50 may appear to give cities a level of local control, but it is unclear how an alternative plan would be any different than the provisions called for in SB 50.

Since the jobs/housing imbalance is a major contributor to the production of greenhouse gas (with jobs located far from housing), it would seem that the development of jobs near transit in residential areas should also be considered as a part of the solution to the problems that SB 50 is attempting to address. Unfortunately, at present, SB 50 does not address this aspect of the jobs/housing imbalance

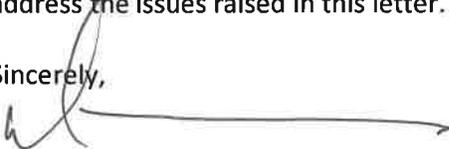
that exists in many areas. Instead of locating additional housing in Lafayette, potentially utilizing existing structures occupied by small businesses and displacing existing employees, the creation of additional employment opportunities within the City would provide residents the ability to work near their homes, thereby reducing the overall strain on nearby highways and other transportation systems.

Similarly, the provisions requiring 40% of the new affordable housing to be prioritized for residents that currently live in the City is good and should be a minimum number, but we believe there is a significant benefit in prioritizing such housing for those that currently work in the City. Prioritizing affordable housing for these individuals would reduce greenhouse gas emissions generated by commuting and would also ensure that people would have an opportunity to live near employment. We believe that SB 50 should be amended to provide similar priority for affordable housing to those that work within ½ mile of a proposed development.

As you may be aware, Lafayette is situated largely in a Very High Fire Hazard Severity Zone (VHFSZ). Given the increased wildfire risks due to climate change, which resulted in several wildfires in and around the City in 2019, we are very diligent about the siting of new housing and the potential for wildfire to impact these developments. The provisions within SB 50 for such areas are not clearly defined and appear to be at odds with each other. For example, the bill does limits development in a VHFSZ, unless certain building standards are met, but also provides a waiver from maximum density controls within jobs-rich areas. The City of Lafayette is in a VHFSZ and a jobs-rich area, so does this mean that SB 50 would allow for unlimited density in areas that are at the highest risk for wildfire? It is critical that SB 50 not allow for development that could potentially put residents in direct risk during a climate related disaster.

Again, we appreciate the efforts that have been made to provide local governments with flexibility in meeting the objectives of SB 50; however, given the lack of specificity, and the deference to state agencies to determine affected areas and the means of alternative compliance, we are not in a position to confidently assess how the bill would affect our City. The issues that we have with the bill are not dissimilar to those raised by cities not only in Contra Costa County, but throughout the state. It is for these reasons that we must continue to oppose SB 50, unless the bill is further amended to address the issues raised in this letter.

Sincerely,



Mike Anderson
Mayor, City of Lafayette

cc: Senator Patricia Bates
Senator Steven Bradford
Senator Maria Elena Durazo
Senator Jerry Hill
Senator Brian Jones
Senator Bob Wieckowski
Senator Portantino
Assembly Member Rebecca Bauer-Kahan
Senator Steve Glazer
Kimberly Korpus, Mayor Moraga
Darlene Gee, Mayor Orinda