



*Office of the Mayor*

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April 22, 2019

The Honorable Mike McGuire  
Chair, Senate Governance and Finance  
California State Capitol, Room 5061  
Sacramento, CA 95814

**RE: SB 50 (Wiener) Planning and zoning: housing development: incentives.**  
**Notice of Oppose Unless Amended (As Amended 3/11/19)**

Dear Senator McGuire:

The City of Fremont must respectfully oppose SB 50 unless the measure is amended to address key concerns. SB 50 would allow developers of certain types of housing projects to override locally developed and adopted height limitations, housing densities, parking requirements, and limit design review standards.

We agree with the fundamental problem—there aren't enough homes being built in California. Unfortunately, SB 50 as presently drafted lacks the flexibility needed to meet the State's housing goals while also acknowledging community input and engagement.

Specifically, the City of Fremont has significant concerns with the following:

- SB 50 would greatly undermine locally adopted General Plans, Housing Elements (which are certified by the Department of Housing and Community Development), and Sustainable Community Strategies (SCS). By allowing developers to override state approved housing plans, SB 50 seriously calls to question the need for cities to develop community based plans in the first place.
- Housing developers and transit agencies would have the power to determine housing densities, heights up to 55 feet, parking requirements, and design review standards for "transit-rich housing projects" within one-half mile of a major transit stop. For those "transit-rich housing projects" within one-quarter mile radius of a stop on a high-quality bus corridor, developers would be able to determine housing density, and limit parking requirements to .5 spots per unit.
- What is the full scope of SB 50? As presently drafted, it is very difficult to determine what constitutes a "jobs-rich area" since the Department of Housing and Community Development and the Office of Planning and Research are largely tasked with making that determination.



- Greater density but no public transit? SB 50 would require cities to allow greater density in communities that are high opportunity and jobs rich, but lack access to public transit. This seems at odds with many state policies that encourage and incentivize denser housing near transit so that individuals may become less dependent on automobiles.
- SB 50 allows some communities to be exempt if they develop their own plan that is consistent with the objectives of the bill. Why not all communities? Shouldn't all jurisdictions have the ability to have a community-led planning process that takes into account local needs and input as long as state objectives are still met?

For these reasons, the City of Fremont opposes SB 50 unless amended.

Sincerely,

A handwritten signature in black ink that reads "Lily Mei". The signature is written in a cursive style with a large, stylized initial "L".

Lily Mei  
Mayor  
City of Fremont

cc: The Honorable Scott Wiener  
The Honorable Bob Wieckowski & The Honorable Kansen Chu  
League of California Cities, [cityletters@cacities.org](mailto:cityletters@cacities.org)