

CITY OF MONTEREY PARK

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July 30, 2019

SENT VIA EMAIL and U.S. Mail

The Honorable Nancy Skinner
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The Honorable Richard Bloom
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The Honorable David Chiu
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California State Assembly
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The Honorable Phil Ting
California State Assembly
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**Re: Housing Legislation (SB 13, SB 330, AB 68, AB 1279, AB 1763, AB 881) –
Opposition Letter**

Dear Members of the Assembly and Senate,

Although the City understands that there are housing issues in some parts of the state, the above legislation proposes a “one size fits all” approach to land use which is contrary to the very essence of how cities develop their own characteristics and charm. The makeup and

character of cities in California are all unique and different in their physical characteristics (location, size, shape, topography, types of housing, etc.) and demographic compositions.

The legislation presupposes that all people in California want to live in communities that are homogenous and indistinguishable from other communities. This is clearly not the case given how cities have developed throughout the history of California. Otherwise, all cities would have been developed in this manner. Some people want to live in rural or suburban areas with more open space, others want to live in more urban environments, while others want a mixture of these different types of living environments. While the City understands that not everyone has the ability to live where they want to live, many do. This legislation proposes to adversely affect the quality of life for most people and deny them the right to determine what type of community they want to live in.

As an example of this, 65% of the voters of Monterey Park passed a ballot measure that requires voter approval for any conversion of any non-residentially zoned property which is larger than an acre to be converted to residential zoning. SB 330 would attempt to invalidate the will of the people of Monterey Park who decided that they wanted some control over new residential development. The residents have approved of such land conversion through the ballot process. The citizens/voters of Monterey Park have clearly spoken as to their desire to control their living environment. Sacramento should not seek to undermine their desired quality of life.

It is also quite noteworthy that while the stated purpose of this unprecedented onslaught of legislation is to achieve more affordable housing, there are no requirements in most of the proposed legislation that the housing units actually be affordable and, in fact, really the legislation creates an incentive for investors to just build market rate housing without paying for or building the infrastructure necessary to serve the units being built.

Adverse Economic and Service Impacts to Cities and Competing/Inconsistent Laws

The City of Monterey Park is already completely built-out and these proposed housing bills will put a heavy strain and burden on already aging infrastructure and limited available land and resources in the City. All of these bills are proposed without developed plans or input from cities or their residents about the impacts of the legislation. Some of the Bills reduce requirements for new units to pay their fair share for the infrastructure which means that existing residents will have to somehow pay for the development of new units, or that cities' infrastructure will be inadequate to serve new or existing residential units. The units proposed by the legislation are not required to be owner occupied or to qualify as affordable housing. Thus, residents through more out of pocket costs or reduced service levels will be underwriting the profits of developers.

AB 881 actually provides that cities cannot consider whether or not their existing water and sewer services are adequate to serve the new units proposed by the Bill. Given how scarce water is in the state, the increased requirements regarding water quality and usage, and the problems associated with increases in wastewater discharge, and the fines that existing

legislation and regulations imposes on cities if they don't consider these issues, this puts every city in the state in the position of seemingly being forced to violate the law in some way.

In addition to reducing a city's abilities to regulate safe conditions inside of a dwelling unit, AB 68, and other legislation that proposes more intense development on existing developed properties, provide that a city cannot enforce its limits on setbacks, unit size, or height, essentially allowing a property owner more benefits to label a unit as an ADU as opposed to a 'single-family dwelling', or a 'duplex', or triplex, etc. There will be no regulations in place to protect yard space, green space, or open space. This will result in increased storm water runoff which is completely counter to the pressure and potential fines that cities are facing from their respective Regional Water Quality Control Boards. Is legislation being considered to reduce storm water runoff requirements?

Overcrowding and Health and Safety Concerns

In 2015, the City of Monterey Park initiated a code amendment to address overcrowding and health and safety concerns due to unpermitted boarding houses, rooming houses and what may also be referred to as residential motels but are really "flop houses." Several of the bills actually encourage this type of unsafe and illegal housing. SB 330 and SB 13 contain provisions that would prevent cities from enforcing building and safety codes unless a city can prove that the violation represents a safety hazard. This is nonsensical as the entire purpose of building and safety codes is to protect people from health and safety risks in the structures they inhabit. Is this how you would propose to help people by putting their lives in jeopardy?

AB 1279 allows existing apartment complexes to increase the number of units on the property by 25% of the existing units without apparently requiring parking for the units. The other legislation relating to accessory dwelling units ("ADU's") allows for garage conversions, whereas such was left up to each city to decide previously pursuant to the original ADU legislation. Taking away local control will allow housing to further become a commercial enterprise in residential neighborhood areas and potentially allow and encourage property owners and occupants to make interior modifications without building permits which are specifically designed to protect the health and life safety of the individuals residing there. It is not unusual for code enforcement officers and building and safety inspectors to find unsafe partition walls and extremely substandard electrical construction work. These "improvements" place the occupants at risk because of overcrowding and fire hazards.

In the past few years, the City has experienced an increase in the number of unpermitted boarding houses which housing temporary migrant workers. According to the advertisements that are taped onto City street light poles, rental rates can be a few hundred dollars for a sofa space or a mattress in a room shared with three other people. There have been life safety issues with these types of lodging facilities (see attached pictures) that have resulted in the need for Building Officials, and Fire and Police Department services. These

are concerns that are unique to the City of Monterey Park that many other cities do not experience.

Finally, The City of Monterey Park also has a significant percentage of hillside properties. Many of the lots have severe slopes. During the heavy raining seasons some of these properties experience some form and gradation of erosion, slippage, and failures. Allowing for increased densities with reduced or eliminated local controls can potentially result in significant safety issues for many residential properties and to adjacent neighboring properties.

Investor Ownership Incentives with No Affordability Requirement

The original ADU legislation essentially required cities to allow an ADU on every single family zoned property. The legislation did allow for cities to require that one of the units be owner occupied. Now after cities have implemented their own ADU regulations, in less than 2 years there is proposed legislation that would prohibit cities from requiring owner occupancy. This is a bait and switch tactic and it seems to not be aimed at encouraging affordable housing but rather at increasing investor owned properties and the profits that go with such. It seems odd that if affordable housing is the intended result why ADU's are not required to be rented out at affordable rates. Removing owner occupancy requirements will just cause housing prices to increase. If affordable housing is the desired result, why doesn't the legislation provide that cities can require that the units be offered at affordable rates?

Reduced Parking while Mass Transit Ridership is Decreasing

Monterey Park already has congested on-street parking. The proposed Bills assume that individuals who will reside in the housing units that would be permitted by the proposed legislation housing units do not use or rely on vehicles as a mode of transportation. Actual ridership of mass transit in Southern California is declining. There is a misconception that low-income individuals do not own vehicles. A family may be comprised of working parents and grown children that work or other relatives or family members that may also be living in the same dwelling units. Often times there are numerous vehicles associated with just one unit.

SB 330 would only require .5 parking spaces for each unit allowed to be built pursuant to the Bill. First, there is no such thing as half a car. This would mean that it would require parking only if a property had two or more units on it. A two unit property will have at least four cars owned by their occupants. SB 13 and AB 68 would allow for converting garages into accessory dwelling units without replacing the parking that is lost from the converted garages and does not allow for cities to require at least one parking space be built for each new housing unit. However, if an ADU is built in a new structure it can be required to have one parking space constructed for the unit. This actually encourages garage conversions. Allowing garage conversions without replacement parking means that vehicles from the primary residents and accessory dwelling units will all be relying on street parking which is already congested since a city could not require any for parking for the two structures.

AB 1279 (Bloom)

There should be further analysis of what is described as “high-resource areas” and its relationship to existing General Plan Land Use Maps and Zoning Maps. Also with the decrease of state and federal housing funds, the cost of long-term monitoring and oversight of affordable housing development will be passed onto local jurisdictions. This legislation would provide for housing by right, even on property not zoned for residential purposes, based upon it being located near certain defined mass transit areas. As stated above - mass transit ridership is declining, people of all income levels are driving cars, and the City already has a shortage of on-street parking.

AB 1763 (Chiu)

AB 1763 will create inconsistent development patterns in the residential areas by allowing no limits on density and building heights triple the height of what is typical in a residential area. Similar to AB 1279, for all of the reasons set forth above, this legislation is not ready for serious consideration.

AB 68 (Ting)

In 2017, the City of Monterey Park adopted an ordinance to comply with California law to regulate accessory dwelling units at that time. The City was adjusting to those new laws and in a very short period of time the laws were once again updated in 2018. The State is not allowing cities the time to implement one set of laws before the next set of updates are passed. Also, the current set of proposed legislation has many overlaps in regulations, which shows that the process is being rushed and that there needs to be a more thought out and cohesive plans. You are not even coordinating amongst yourselves with regard to the numerous Bills.

AB 68 proposes to allow multiple ADUs within an existing structure. There are concerns about the long-term monitoring of these ADUs and the lack of oversight. There are no protections in place to keep one tenant from subleasing to multiple other tenants and inadvertently creating “slum” conditions. There are great concerns about the proposed legislations and reduction in a city’s abilities to regulate safe housing conditions. The state needs to consider more thoughtful housing options and regulations so that there are safeguards in to protect the tenants and occupants – not just to financially rewarding a property owner.

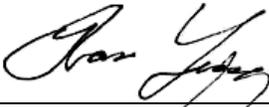
Conclusion

Prior to the City’s code updates in 2017, approximately 891 affordable senior units and 12 accessory dwelling units existed in Monterey Park. After 2017, 14 more accessory dwelling units have been constructed and several more are in the plan checking process. As mentioned above, the City clearly understands the need for more housing – but there needs to be more flexibility in the proposed legislations or allow cities a little more time to show the progress and results of the existing legislations.

Finally, you are all aware that cities are required by the state Housing and Community Development Department to develop plans for the Regional Housing Needs Assessment ("RHNA") to accommodate the housing units assigned to each city through that process. These proposed Bills dump another de facto RHNA process on cities. A coordinated effort between the state legislature and HCD and one RHNA process would be more efficient and effective.

For all the reasons stated above, the City of Monterey Park opposes SB 13, SB 330, AB 68, AB 1279, AB 1763, and AB 881. With this said, the City would welcome a process whereby local councils of government are required to provide the state Senate and Assembly with real and constructive input as to how to achieve building more residential housing with a particular emphasis on affordable housing. This would be a much more respectful and constructive manner to deal with local government and housing issues.

Sincerely,



Hans Liang
Mayor



Mitchell Ing
Mayor Pro Tem



Teresa Real Sebastian
Council Member



Stephen Lam
Council Member



Peter Chan
Council Member

cc Senator Susan Rubio, 22nd Senate District
Assembly Member Ed Chau, 49th Assembly District
Congresswoman Judy Chu, 27th District