

July 27, 2004

Assemblyman George Nakano
53rd District
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0001

**RE: AB 2702 (Steinberg) Housing, Second Units.
Notice of Opposition**

Dear Assemblyman Nakano:

We regret to inform you that the City of Hermosa Beach **OPPOSES** your AB 2702. Local governments are still adjusting to the many mandates imposed by last year's AB 1866 (Wright), which prohibited public hearings on second unit applications, and created many unresolved legal issues with its provisions that authorized a developer of a density bonus project to demand that the local government waive "*any ordinance, general plan element, specific plan, charter amendment, or other local law, policy or regulation*" or face lawsuits.

AB 2702 still attempts to dictate the specific requirements of local zoning ordinances applicable to every neighborhood in the state. This one-size-fits-all approach to second unit development transfers significant local land use authority to Sacramento. Policies in this bill such as those limiting local ability to prohibit absentee-landlord duplexes to be created in single-family neighborhoods, reducing parking standards, dictating irrational minimum lot and unit sizes regardless of lot dimensions have already provoked a reaction from residents. Over 60 cities have expressed their opposition to AB 2702 thus far. Furthermore, the mandated densities for housing on school sites provision in this bill not only usurps local zoning authority, it represents irresponsible planning, with no appreciation or understanding of location, traffic, site conditions, or other local issues.

The Legislature has neither investigated the effects of AB 1866, nor the topic of second units in any deliberative way. Less than nine months have passed since the effective date of AB 1866 (Wright), of 2001, which required all second unit applications to be ministerial. The City of Hermosa Beach questions the wisdom of reopening this debate without providing sufficient time to evaluate the impacts of last year's AB 1866, particularly since AB 2702 simply proposes yet another rewrite of local ordinances and imposes a one-size-fits-all approach on every community in the state. Moreover, it seems

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nonsensical to advance a bill of this nature at a time when budget proposals continue to include plans to shift local revenues to the state level to cover deficits.

The City of Hermosa Beach strongly urges you to carefully consider the experiences local governments have had with implementation of AB 1866 (Wright) before proceeding with AB 2702. From a city standpoint, this measure effectively zones residential land at the state level. The unfortunate consequence is that this one-size-fits-all approach is likely to increase community opposition to second units in the form of legal challenges and local referenda, rather than encourage their development.

Sincerely,

Stephen R. Burrell
City Manager

SRB:rem

cc: Senator Debra Bowen
League of California Cities