Dear Governor Newsom,

On behalf of the City of Beverly Hills, I write to you to respectfully request you VETO AB 1763 (Chiu) when it comes before your desk. This bill will mandate a city or county permit greater density; provide additional concessions and incentives to a developer; and significantly increase the allowable height of a proposed development project if 100 percent of the units in the development will be restricted to lower income households.

The City of Beverly Hills recognizes the need to develop more affordable housing in California. However, our City opposes the expansion of the state’s Density Bonus Law as outlined in AB 1763 (Chiu) as it overrides well-established local zoning ordinances as they relate to “major transit stops”.

As proposed, AB 1763 (Chiu) greatly undermines locally adopted General Plans, Housing Elements (which are certified by the Department of Housing and Community Development), and Sustainable Community Strategies. Cities throughout the state have spent a great deal of effort, time, and money to create these plans so each community can flourish in a unique manner best suited to their area. The changes in AB 1763 (Chiu) would fundamentally transform the character of Beverly Hills and threaten the industries that contribute to the City’s vitality, culture, and identity. Such a transformation would have economic impacts that would reverberate throughout the region.

Sincerely,

John A. Mirisch, Mayor
Furthermore, AB 1763 (Chiu) allows for development without oversight of local authorities. This bill permits developers to determine the density and height of a project regardless of the damaging effects it may have on a community. The unlimited density and up to three additional stories for developments within one-half mile of a "major transit stop" would fundamentally alter the village atmosphere that was so carefully planned for by the founders of Beverly Hills. While the existing 35 percent density bonus allowance may need to be adjusted for projects near major transit stops that contain 100 percent affordable units, granting a developer an unlimited density bonus and three additional stories is too extreme in many communities around the state. It is almost assured that such an expansion of Density Bonus Law will undermine a city's state certified housing element and community-based housing plans.

As proposed, AB 1763 (Chiu) inherently grants transit agencies a role in determining land use near "major transit stops," further restricting the authority of local control of municipalities. Bus routes are by nature not set in stone and can be easily altered at the whim of a transit authority. Allowing developers to greatly increase density around major transit stops could result in residents being stranded, if bus service becomes inadequate. Additionally, community members may now openly oppose any new transit stops from being created in their area due to the fear of increase in population that may occur, and the potential abandonment of those bus routes in the future, as other modes of transportation are developed.

For these reasons, the City of Beverly Hills must respectfully OPPOSE AB 1763 (Chiu). Thank you for your consideration.

Sincerely,

John A. Mirisch
Mayor, City of Beverly Hills

cc: The Honorable David Chiu, 17th Assembly District
    The Honorable Ben Allen, 26th Senate District
    The Honorable Richard Bloom, 50th Assembly District
    Andrew K. Antwih, Shaw / Yoder / Antwih, Inc.