



Staff Report

RESOLUTION OPPOSING SB 303 – MEASURE REQUIRING FORWARD-ZONING TO ACCOMMODATE A 10-YEAR HOUSING SUPPLY

Honorable Mayor and Council Members:

Summary

Adoption of the attached resolution would make official the City's opposition of SB 303 (Ducheny); this Building Industry Association (BIA)-sponsored bill would focus on Housing Element Law amendments specifically designed to modify the process in which local agencies must plan for and accommodate their Regional Housing Needs Assessment (RHNA) number.

Discussion

While the proposed bill is intended to create more certainty in the developer entitlement process, the bill is flawed in that it creates a narrow "one-size-fits-all" approach founded in the existing challenging RHNA process.

SB 303 would double the planning period (from five to 10 years) for assessment of a jurisdiction's regional housing needs assessment/allocation. The bill would require local agencies to pre-zone their housing need for the entire 10-year period. Furthermore, the bill would require that all candidate housing sites be analyzed to ensure that size, configuration, use, physical and environmental characteristics, adjacent uses, market demand, and infrastructure are assessed to determine the realistic implementation of the aggregate planned density.

As a result, each site will have to be scrutinized to address all of these characteristics; this results in a formidable and costly un-funded mandate that will make infill housing less feasible in the future because of potential higher infrastructure and other public or private costs associated with them. SB 303 may ultimately serve to undermine local and regional efforts to steer housing development to infill areas.

League of California Cities Position

The League of California Cities opposes SB 303 because it is a potentially expensive mandate that will penalize all cities while discouraging infill development. The bill would also encourage sprawl while dramatically undercutting local control of their future residential development.

Furthermore, the League believes the measure fails to balance this dramatic housing emphasis without balancing equally important state and local planning priorities - protecting farmland and open space, maximizing existing infrastructure re-investment, improving air quality, promoting

infill-centered development, and manufacturing and high-tech job development.
Overall, staff believes that SB 303 will not be beneficial to local municipalities, and approval of the attached resolution would make known to the State that the authoring and passage of this bill is not supported by the City of Belmont.

General Plan/Vision Statement

No impact.

Fiscal Impact

No Fiscal Impact.

Public Contact

Posting of City Council agenda.

Recommendation

Approve the attached Resolution Opposing SB 303 - Forward-Zoning Requirement to Accommodate a 10-Year Housing Supply

Alternatives

1. Provide guidance to staff on revised components of the Resolution Opposing SB 303
2. Take no action.

Attachments

- A. Resolution Opposing SB 303 - Forward-Zoning Requirement to Accommodate A 10-Year Housing Supply

Respectfully submitted,

Carlos de Melo
Community Development Director

Jack R. Crist
City Manager

Staff Contact:

Carlos de Melo, Community Development Director
(650) 595-7440
cdemelo@belmont.gov

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
OPPOSING SB 303 REGARDING A FORWARD-ZONING REQUIREMENT TO
ACCOMMODATE A 10-YEAR HOUSING SUPPLY**

WHEREAS, SB 303 (Ducheny) - a measure that would require forward-zoning for municipalities to accommodate a 10-year housing supply - is currently under consideration by the State Legislature; and,

WHEREAS, this bill would require all candidate site identified in the provision of a 10-year supply of land for housing be analyzed by a local government to ensure that the size, configuration, current use, physical and environmental constraints, access, location, adjacent use, planned availability of infrastructure and services will "realistically accommodate" the aggregate density zoned for such candidate parcels. This requirement will result in a massive and costly undertaking for such local municipalities; and,

WHEREAS, the measure would serve to encourage sprawl while discouraging Infill and Transit-Oriented Development (TOD). Each local government would be required to attest that for each site there exists "market demand for the density and type of housing." This activity will create a lowest-common-denominator focus on housing, while undermining local and regional efforts to develop and provide incentives for regional blueprints for guiding growth, and steering of housing development to infill areas; and,

WHEREAS, the bill may result in mandatory increases in local development fees for planning purposes. This is borne out of the requirement of the measure that all general plans be updated every 10 years, without providing the funding to pay for it. These associated costs do not include the costs of the site-by-site analysis and other requirements of this bill; and,

WHEREAS, the League of California Cities does not support the measure and notes that the bill would reduce public comment and review opportunities by locking in planning and zoning on each site for 10 years, and allowing only changes consented to by the developer, or through a narrow health or safety finding which may only be adopted by a four-fifths vote. This places significant barriers to community participation in the planning process; and,

WHEREAS, the bill will likely trigger significant sprawl because - unlike the existing Housing Element process - no time is provided to phase-in the availability of housing sites. Furthermore, no time is provided to work with associated LAFCO's on annexation and sphere of influence requirements, to address issues related to infill development and infrastructure ability, and other service issues closely related to development.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont does hereby oppose SB 303 regarding a Forward-Zoning Requirement to Accommodate a 10-Year Housing Supply.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on April 10, 2007, by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont