

Cotati City Council

Agenda Staff Report

Item type: CONSENT CALENDAR (ACTION)
To: City Council
Subject: Authorize Mayor to Send Letters of Support/Opposition on Pending Housing and Telecommunications legislation
Date: September 12, 2017
Written by: Damien O'Bid, City Manager

Recommendation

It is recommended that the City Council of the City of Cotati authorize the Mayor to send letters in support of the League of California Cities position on key housing bills and oppose other specified housing and telecommunication legislation.

Background

The City of Cotati is a member of the League of California Cities (LOCC). The LOCC closely tracks state legislation and lobbies state legislators on pending legislation and issues that affect municipalities in California. On August 22, 2017, the City Council requested that staff return to a future Council meeting with an item to issue a position letter on key legislation that is pending concerning housing and telecommunications. Legislators are under a September 15th deadline to send bills to the Governor's desk, so any positions on these legislative items must occur at this City Council meeting.

Analysis/Discussion

HOUSING BILLS

Since the abolishment of redevelopment, local governments and the state have lost a key source of funding for affordable housing which needs subsidies to be viable. To address the state-wide housing crisis, the LOCC has taken a position of support for the following housing bills:

1. Senate Bill 540 (Roth), the Workforce Housing Opportunity Zone. This legislation will create a more streamlined path for housing approvals and construction. Cities and counties would identify priority housing areas near jobs and transit, and conduct enhanced planning, environmental reviews and public engagement at the front end. This would eliminate the requirement for a project-by-project environmental review and shave an estimated one to two years off the development timeline.

2. Senate Bill 2 (Atkins), the Building Homes and Jobs Act. This legislation would generate hundreds of millions of dollars each year for affordable housing, emergency shelters and other housing needs via a \$75 recording fee on specified real estate documents.
3. Senate Bill 3 (Beall), the Affordable Housing Bond Act of 2018. This legislation would put a \$3 billion general obligation bond on the November 2018 ballot to fund affordable housing and infill infrastructure projects.

It is recommended that the Mayor issue a letter supporting the Workforce Housing Opportunity Zone (SB 540) and the Building Homes and Jobs Act (SB 2). However, it is not recommended that the City take a position on the Affordable Housing Bond Act (SB 3), as this is simply a general obligation bond issuance. The state's housing issues are a long-term problem, and bond issuances are by their nature short-term, limited funding that will primarily result in long term debt service obligations without addressing the underlying housing issues.

By contrast, the LOCC has taken a position of oppose unless amended for the following housing bill:

1. Senate Bill 35 (Wiener), the Housing Accountability and Affordability Act. SB 35 seeks to streamline housing approvals by eliminating public input, prohibiting CEQA, and removing nearly all local discretion. Specifically, this measure:
 - a. Applies to multifamily housing developments containing two or more units.
 - b. Prohibits parking requirements if the development is within one-half mile of public transit, located within a historic district, or has a car share service within one block.
 - c. Limits zoning and design review.
 - d. Requires prevailing wage.

The LOCC has taken a position of oppose unless amended to SB 35 because it:

1. Uses the Regional Housing Needs Allocation (RHNA) as one metric to determine if a city must comply. If a city doesn't approve enough housing units in the first half (four years) or the last half (remaining 4 years) of the RHNA cycle in all four income categories, a city must approve housing projects with no environmental review. With redevelopment eliminated and the state reluctant to approve any funding for affordable housing, all of the above communities can expect to be subject to being deemed "bad actors" by the state for not producing low income and very low income housing to match state quotas.
2. Ignores local housing market conditions and punishes even those communities with progressive affordable housing policies.

The LOCC has proposed an exemption in SB 35 for "Good Actor" cities by providing a "Safe Harbor" for those jurisdictions that meet the following criteria:

1. No violations, within the last five years, of the Housing Accountability Act (Government Code 655859.5), Mitigation Fee Act (Government Code 66000), density bonus

(Government Code 65915), no net loss (Government Code 65863), anti-discrimination provisions (Government Code 65008).

2. Jurisdiction has approved all submitted housing projects that have been submitted on sites identified in its housing element inventory.
3. Jurisdiction has not reduced density of housing project below density as submitted by developer on initial application.
4. Jurisdiction implemented the programs in its housing element in accordance with schedule in housing element.
5. Jurisdiction completed any rezonings required by housing element within 2 years of adoption of housing element.
6. Jurisdiction can demonstrate that it did not receive applications for housing units that would have allowed it to issue building permits equal to the city's share of RHNA by income category for that reporting period.

Note that in March 2017 the Sonoma County Legislative Committee issued letters of support for SB 2 and SB 540, but has not taken a position on SB 3. The Sonoma County Legislative Committee has also issued a letter in opposition to SB 35 in March 2017. Positions by the Legislative Committee requires unanimous consent by the representatives of all cities in Sonoma County.

TELECOMMUNICATIONS BILLS

Senate Bill 649 (Hueso), Wireless Telecommunication facilities. This legislation would prohibit local discretionary review of "small cell" wireless antennas, including equipment co-located on existing structures or located on new "poles, structures, or non-pole structures," including those within the public right-of-way and buildings. The proposal preempts adopted local land use plans by mandating that "small cells" be allowed in all zones as a use by-right. With multiple cell carriers, if this legislation was to become law, it would be expected that there will be numerous cell antennas installed on decorative light poles and other city facilities, creating a negative aesthetic in the public space.

The Sonoma Legislative Committee issued a letter in opposition to this bill in April 2017. It is recommended that the Mayor issue a letter in opposition to this bill.

Due to the short turn around for these letters, it is proposed that they be submitted electronically through the LOCC Action Center, on the LOCC website.

Financial Considerations

There are no direct financial impacts to the city, but long-term land use impacts if the legislation is signed by the Governor and becomes law.

Environmental Issues

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment,

or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

Attachments:

SB 2 (Atkins) SAMPLE Support letter (DOCX)

SB 35 (Wiener) SAMPLE Oppose Letter (DOCX)

SB 540 (Roth) SAMPLE Support Letter (DOCX)

SB 649 (Hueso) SAMPLE Oppose Letter (DOCX)