



TOWN OF FAIRFAX

STAFF REPORT

September 6, 2017

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Authorize Mayor to send a letter in opposition to SB 35 "Affordable Housing: Streamlined Approval Process"

RECOMMENDATION

Authorize Mayor Reed to send letter in opposition to SB 35 "Affordable Housing: Streamlined Approval Process"

DISCUSSION

The League of California Cities (League) is requesting communities to take action on a "Housing Bill Package" being finalized in the State Legislature. Specifically, Legislators returned to Sacramento to finish up the legislative session before the September 15th deadline to send bills to the Governor's desk. The League reports that during the recess, the Governor and Legislative Leaders stated in a released statement that a housing package to address the state's crisis is on the horizon: "The package of legislation we are all working on will help ensure Californians won't have to pay an arm and a leg to have a roof over their head. It will include a general obligation bond, a permanent funding source for affordable housing and regulatory reform. This comprehensive approach does what's long been needed in California — build new homes and improve access to housing. We look forward to finalizing this package upon return from summer recess."

While the actual package of bills that will be included in the housing deal has yet to be announced, the Governor and Leaders have been clear that money for affordable housing will only be available if it is paired with streamlined regulations at the local level.

The League indicates one measure that will be included in the housing bill package is SB35 (Wiener), which seeks to preempt local discretionary land use authority, eliminate opportunities for public review, and ban project-level environmental review for multifamily housing developments. While it is supposedly structured to focus on "bad actors" it is structured in a way that nearly all cities with a population over 2,500 can anticipate losing local discretion, because it is based on production quotas (RHNA-Regional Housing Needs Allocation).

SB 35 seeks to streamline housing approvals by eliminating public input, prohibiting CEQA, and removing nearly all local discretion. While the League opposes the Measure, the League has also proposed to the author an exemption 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 (Regional Housing Needs Allocation) by income category for that reporting period.

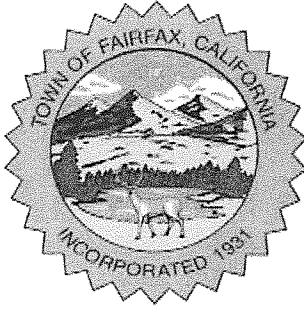
Unfortunately, Fairfax would not be able to meet these criteria. In our letter, we are proposing *an amendment for communities with less than 10,000 residents to be exempt if they have approved entitlements for projects which meet 90% of the community's current RHNA obligations for the extremely low, very low, and low income categories.* This would recognize the constraints faced by smaller communities as well as reward those communities that have substantially met their lower income RHNA objectives.

FISCAL IMPACT

n/a

ATTACHMENT

Letter



TOWN OF FAIRFAX

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(415) 453 - 1584 / FAX (415) 453 - 1618

September 6, 2017

The Honorable Kevin de León
President pro Tempore
California State Senate
State Capitol Building, Room 205
Sacramento, CA 95814
VIA FAX: 916-651-4924

The Honorable Anthony Rendon
Speaker
California State Assembly
State Capitol Building, Room 219
Sacramento, CA 95814
VIA FAX: 916-319-2163

RE: SB 35 (Wiener) Affordable Housing: Streamlined Approval Process.
Notice of Opposition (as amended 7/14/17)

Dear President pro Tempore de León and Speaker Rendon:

The Town of Fairfax is opposed to SB 35 (Wiener), which would pre-empt local discretionary land use authority by making approvals of multifamily developments that meet inadequate criteria “ministerial” actions, thus bypassing the California Environmental Quality Act (CEQA) and public input.

SB 35 has been characterized as a measure targeting “bad actor” jurisdictions that fail to approve enough housing to meet their Regional Housing Needs Allocation (RHNA) in all four income categories. However, SB 35 dodges the reality that state and federal affordable housing funding have slowed to a trickle. More than \$1 billion annually in affordable housing money has evaporated with the elimination of redevelopment agencies in 2011. Funds from the 2006 state housing bond have been exhausted and federal dollars have been declining for decades. This massive withdraw of resources has contributed to the current challenges, yet no significant source of ongoing affordable housing funding is on the horizon.

Forcing nearly all communities with a population over 2,500 to “streamline” housing approvals by eliminating opportunities for environmental and public review of major multifamily developments goes against the principles of local democracy and public engagement. While frustrating for some to address neighborhood concerns about traffic, parking and other development impacts, those directly affected by such projects have a right to be heard. Public engagement also often leads to better projects.

The Town recently approved a 100% affordable senior housing project. It was a good example of community engagement as the Town worked to try address the community’s concerns and adopt a zoning designation for the project acceptable to the community. Not allowing for such community engagement will increase public distrust in government and additional ballot measures dealing with growth management.

At a minimum, SB 35 should be amended to provide a “Safe Harbor” for “Good Actor/Pro-Housing” jurisdictions as proposed by the League of California Cities. Fairfax would suggest an amendment for communities with less than 10,000 residents to be exempt if they have approved entitlements for projects which meet 90% of the community’s current RHNA obligations for the extremely low, very low, and low

income categories. This would recognize the constraints faced by smaller communities as well as reward those communities that have met their lower income RHNA objectives.

For the above reasons, the Town of Fairfax **opposes** SB 35.

Sincerely,

JOHN REED

Mayor

cc: Senator Mike McGuire
Assembly Member Marc Levine
League Regional Public Affairs Manager Nancy Hall Bennett
Meg Desmond, League of California Cities, mdesmond@cacities.org