



City Council

Cameron Burks, Mayor
Mike Anderson, Vice Mayor
Steven Bliss, Council Member
Susan Candell, Council Member
Teresa Gerringer, Council Member

July 2, 2019

The Honorable Nancy Skinner
California State Senate
State Capitol, Room 5094
Sacramento, CA 95814

RE: Oppose SB 330 – Housing Crisis Act of 2019

Dear Senator Skinner,

On behalf of the City of Lafayette, I am writing to express our opposition to SB 330 for the following reasons.

1. The bill undermines our General Plan, and Housing Element (which are certified by HCD), by allowing developers to override state approved housing plans.
2. It will not help to mitigate the affordable housing crisis in California because the provisions in the bill do not compel developers to construct additional affordable housing.
3. It freezes design standards in place when an initial application is filed. This is unacceptable because the initial application does not include all the information necessary to understand a project's impacts or determine which standards apply. The standards that should be applied are those that are in place when a complete application is filed.
4. It requires cities to subsidize developer's market rate housing developments by freezing impact fees; however, there is no guarantee that freezing impact fees will result in lower rents for these market-rate units. Mitigation and impact fees are imposed so that local jurisdictions can provide public improvements and public services to new residents. Fees can only be set at the level necessary to cover the cost of providing these services and freezing those fees puts an undue burden on a city's finances. Since there is no deadline by which a developer needs to pull building permits, the fees that they are required to pay could be far lower than the actual fees at the time building commences.

5. SB 330's thirty-day limit for a local agency to inform a developer of the reasons why a proposed project is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, is too short. Analyzing complex projects cannot be performed in thirty days. Furthermore, there is no provision to stop the clock when a developer does not respond to requests in a timely manner.

It is for these reasons that the City of Lafayette opposes SB 330.

Finally, cities are being burdened each year by new unfunded mandates and laws impacting local regulations that are passed in Sacramento. This ever-changing legislative landscape makes it difficult for resource-strapped cities to keep up with the new rules, let alone implement them to get the much-needed housing built. Going forward, Sacramento must partner with local governments to address the housing shortage and not place the blame on cities' shoulders alone. If this status quo continues, cities like Lafayette will seek to build coalitions to legally protect and defend local land use control.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mike Anderson', with a long horizontal line extending to the right.

Mike Anderson
Mayor, City of Lafayette

cc: Assembly Local Government Committee Members
Senator Glazer
Assembly Member Bauer Kahan
Lafayette City Council