



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

CONSENT
April 6, 2010

**Honorable Members of the
Law and Legislation Committee**

**Title: Legislative Position: Oppose SB 1174, Relating to Changes to Local
Government Land Use Practices**

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee adopt an oppose position on Senate Bill 1174 (Wolk) relating to local government land use practices.

Contact: Greg Sandlund, Associate Planner, (916) 808-8931

Presenter: Not applicable

Department: Community Development

Division: Planning

Organization No: 2201111

Description/Analysis

Issue: Senate Bill 1174, introduced by Senator Wolk, requires a city or county to amend its general plan to the extent necessary to address the presence of island, fringe, or legacy unincorporated communities inside or near its boundaries. For Sacramento, this bill would require amendments to the City's General Plan by 2013.

These general plan amendments would include extensive analysis of, and new policy development for, most of the unincorporated communities that share the City's borders. Such planning would be required for an unincorporated community adjacent to our City that can be defined by any of the following factors:

- Has a median income of 80% of the state median income
- Is within the City's sphere of influence

- Is surrounded or substantially surrounded by one or more cities/county boundary
- Is a geographically isolated community that is inhabited and has existed for at least 50 years

The new legislation would not provide any financial support for the analysis of these communities or resulting policy/program development. Staff recommends that the City adopt an oppose position to this bill because this is costly unfunded state mandate that would have a disproportionate impact on our City because of its geographic size and shape. A map showing Sacramento County's incorporated cities can be found in Attachment 2.

Policy Considerations: The bill would require that the 2030 General Plan be amended by 2013.

Environmental Considerations: None

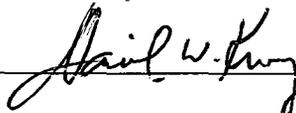
Committee/Commission Action: None

Rationale for Recommendation: Staff recommends opposition of SB 1174 because the analysis that would be required would be similar or even more stringent than that required for a housing element. It would include data on household quantity, conditions, income, proximity to transit, access to services, and general infrastructure needs. This additional planning requirement would create a significant demand for staff resources in a time when jurisdictions across the State have to make budget cuts.

The City is already required to prepare basic information about unincorporated communities as part of the City's Master Services Element / Municipal Service Review that is prepared for the Sacramento Local Agency Formation Commission (LAFCo). This analysis is a requirement from the 2000 Cortese-Knox-Hertzberg legislation. In the event of a proposed annexation of these annexation areas, the City would be required to prepare much of this information pursuant to LAFCo requirements. The level of detail required by the proposed bill is premature and an unnecessary burden at the General Plan level.

Financial Considerations: SB 1174 would introduce costly new State-mandated laws pertaining to land use planning without financial assistance from the State. General Plan amendments require extensive staff time and consultant resources for technical analysis, outreach, environmental review and public hearings which can cost hundreds of thousands of dollars.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by: 
David Kwong
Planning Manager

Approved by: 
David Kwong
Acting Director of Community Development

Recommendation Approved:


GUS VINA
Interim City Manager

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Attachment 1- Draft Letter of Opposition

April 6, 2010

Honorable Lois Wolk
Member, California State Senate
State Capitol, Room 4032
Sacramento, CA 95814

Subject: Oppose SB 1174 (Wolk) Local Government Land Use Practices

Dear Senator Wolk,

I am writing on behalf of the City of Sacramento to inform you that we oppose SB 1174. SB 1174 requires a city or county to amend its general plan to the extent necessary to address the presence of island, fringe, or legacy unincorporated communities inside or near its boundaries. These general plan amendments would include extensive analysis of, and new policy development for, most of the unincorporated communities that share the City's borders.

The analysis that would be required by this bill would be similar or even more stringent than that required for a housing element. It would include data on household quantity, conditions, income, proximity to transit, access to services; and general infrastructure needs. This unfunded State-mandate would create additional planning requirements that would demand significant staff resources in a time when jurisdictions across the State have to make budget cuts.

Furthermore, the City is already required to prepare basic information about unincorporated communities as part of the City's Master Services Element / Municipal Service Review that is prepared for the Sacramento Local Agency Formation Commission (LAFCo). This analysis is a requirement from the 2000 Cortese-Knox-Hertzberg legislation. In the event of a proposed annexation of these annexation areas, the City would be required to prepare much of this information pursuant to LAFCo requirements. The level of detail required by the proposed bill is premature and an unnecessary burden at the General Plan level.

While this bill may be well-intended, it applies a flawed approach that would require considerable planning staff resources to implement. Local governments, be they unincorporated or not, do not need more State mandates; they need more funding tools to assist with the development of infrastructure and the production of affordable, sustainable development.

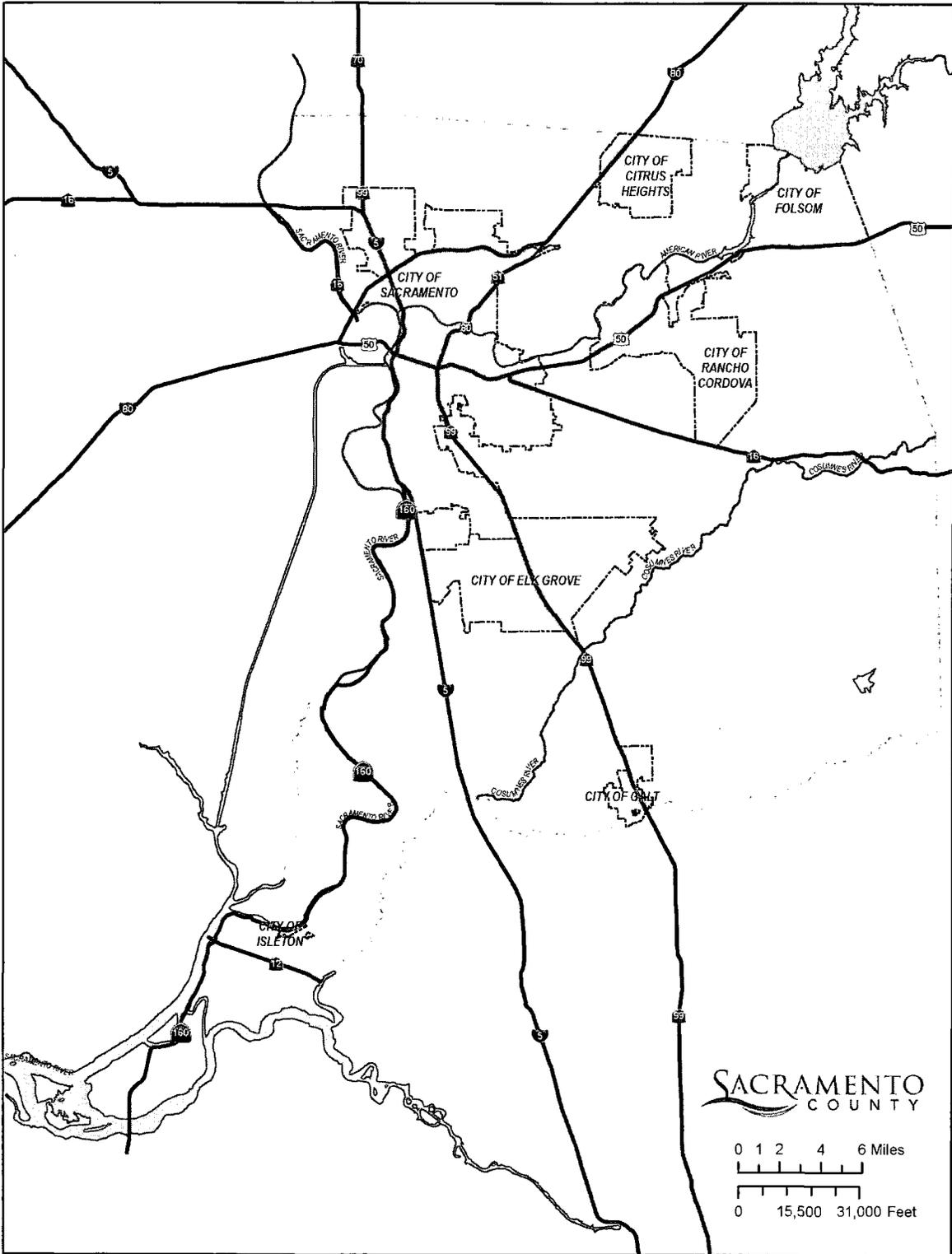
Thank you for your attention concerning the City of Sacramento's opposition to SB 1174.

Sincerely,

Lauren Hammond, Chair
Law and Legislation Committee

Cc: Senator Darrell Steinberg
Assembly Member Dave Jones
Mayor Johnson and Members of the City Council
David Jones, Emanuels, Jones & Associates

Attachment 2 - Map of Sacramento County's Incorporated Cities



Attachment 3 – Bill Text

SENATE BILL

No. 1174

**Introduced by Senator Wolk
(Principal coauthor: Senator Price)**

February 18, 2010

An act to add Section 65302.10 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, as introduced, Wolk. Land use: general plan: disadvantaged unincorporated communities.

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning.

This bill would require a city or county to amend its general plan to the extent necessary to address the presence of island, fringe, or legacy unincorporated communities, as defined, inside or near its boundaries, and would require the amended general plan to include specified information. This bill would also require a city or county, after the initial amendment of its general plan, to review, and if necessary amend, its general plan to update its information, goals, and program of action relating to these communities. By adding to the duties of city and county officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Hundreds of disadvantaged unincorporated communities,
4 commonly referred to as “colonias,” exist in California. There are
5 more than 200 of these communities in the San Joaquin Valley
6 alone. Many of these communities are geographically isolated
7 islands, surrounded by the city limits of large and medium-sized
8 cities.

9 (2) Conditions within these disadvantaged unincorporated
10 communities evidence a distinct lack of public and private
11 investment that threatens the health and safety of the residents of
12 these communities and fosters economic, social, and educational
13 inequality. Many of these communities lack basic infrastructure,
14 including, but not limited to, streets, sidewalks, storm drainage,
15 clean drinking water, and adequate sewer service.

16 (b) It is the intent of the Legislature to encourage investment in
17 these communities and address the complex legal, financial, and
18 political barriers that contribute to regional inequity and
19 infrastructure deficits within disadvantaged unincorporated
20 communities.

21 SEC. 2. Section 65302.10 is added to the Government Code,
22 to read:

23 65302.10. (a) As used in this section, the following terms shall
24 have the following meanings:

25 (1) “Disadvantaged unincorporated community” means a fringe,
26 island, or legacy community in which the median household
27 income is 80 percent or less than the statewide median household
28 income.

29 (2) “Unincorporated fringe community” means any inhabited
30 and unincorporated territory that is within a city’s sphere of
31 influence.

32 (3) “Unincorporated island community” means any inhabited
33 and unincorporated territory that is surrounded or substantially
34 surrounded by one or more cities or by one or more cities and a
35 county boundary or the Pacific Ocean.

- 1 (4) "Unincorporated legacy community" means a geographically
2 isolated community that is inhabited and has existed for at least
3 50 years.
- 4 (b) The legislative body of a city or county shall amend its
5 general plan, and each element in the plan, to the extent necessary
6 to include data and analysis, goals, implementation measures,
7 policies, and objectives to address the presence of unincorporated
8 island, fringe, or legacy communities inside or near its boundaries,
9 no later than the date specified in paragraph (2) of subdivision (d).
- 10 (c) The general plan, as amended pursuant to subdivision (b),
11 shall include all of the following:
- 12 (1) An identification of each unincorporated island, fringe, or
13 legacy community within or proximate to the boundaries of the
14 city or county. This identification shall include a description of
15 the community and a map designating its location.
- 16 (2) For each identified community, a quantification and analysis
17 of all of the following:
- 18 (A) The number of housing units and residents that lack access
19 to sanitary sewer service.
- 20 (B) The number of housing units and residents that lack access
21 to municipal water service.
- 22 (C) The number of residential neighborhoods within a
23 community that lack one or more of the following:
- 24 (i) Paved roads.
- 25 (ii) Storm drainage.
- 26 (iii) Sidewalks.
- 27 (iv) Street lighting.
- 28 (D) The number of households within one-quarter of a mile of
29 public transit.
- 30 (E) The number of housing units that are in substandard
31 condition.
- 32 (F) The number of households paying more than 30 percent of
33 their income toward housing.
- 34 (G) The number of households in overcrowded housing.
- 35 (3) An analysis of the city's or county's current programs and
36 activities to address the conditions or deficiencies described in
37 paragraph (2), and an identification of any constraints to addressing
38 those conditions or deficiencies. The analysis shall evaluate the
39 annexation of any identified island or fringe communities.

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1 (4) A statement setting forth the city's or county's specific,
2 quantified goals for eliminating or reducing the conditions or
3 deficiencies described in paragraph (2) and found to be present in
4 an unincorporated island, fringe, or legacy community within or
5 proximate to the boundaries of the city or county.

6 (5) A program of flexible implementation measures that the city
7 or county will undertake to achieve the goals described in
8 paragraph (4), including an identification of resources and a
9 timeline of actions.

10 (d) (1) Following a city's or county's amendment of its general
11 plan pursuant to this section, on or before the due date for the next
12 revision of its housing element, the city or county shall review,
13 and if necessary amend, its general plan to update the analysis,
14 goals, and actions required by this section.

15 (2) A city or county shall comply with this subdivision on or
16 before the earlier of the following two dates:

17 (A) The date of the city's or county's next general plan revision.

18 (B) The date that is one year after the date specified in Section
19 65588 for the next revision of the city's or county's housing
20 element scheduled to occur after January 1, 2010.

21 SEC. 3. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

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