



Legislation Text

File #: 22-566, **Version:** 1

Adopt a Resolution to Authorize the City Manager to Create Policy to Comply with State of California Surplus Land Act Law

COUNCIL PRIORITIES

- Housing and Homelessness
- Community & Business Development

SUMMARY & RECOMMENDATION

Staff recommends that the City Council approve a Resolution to affirm the City's compliance with state housing laws, including the Surplus Land Act, laws related to Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs) and state Density Bonus Law; which will, among other things, support the City's ability to obtain grants from the Metropolitan Planning Commission (MTC), the regional transportation planning agency.

BACKGROUND

In 2022, the MTC adopted Resolution No. 4505, outlining the programming policy and project selection criteria for the One Bay Area Grant Program (OBAG 3), including certain requirements to access these funds. The OBAG program is the policy and programming framework for investing federal Surface Transportation Block Grant Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ), and other fund programs throughout the San Francisco Bay Area. The MTC established the OBAG program in 2013 to strengthen the connection between transportation investments and regional goals for focused growth in Priority Development Areas (PDAs), places near public transit that are planned for new homes, jobs, and community amenities.

The San Francisco region has the highest housing costs in the United States and, from 2007-2014, the Bay Area produced less than 30% of the need for low- and moderate-income housing units and is on track to similarly underproduce low-income units during the 2015-2023 time period. For the City to remain compliant and eligible for OBAG funding, a resolution must be adopted to agree to comply with state housing laws, including the terms of Surplus Land Act (California Government Code § 54220 et seq.). Eligibility for OBAG funding is critical for the City to maintain and enhance its efforts to improve and maintain streets and roads as well as its bicycle and pedestrian facilities.

When local agencies sell or lease their surplus land to others, California's Surplus Land Act (SLA) requires them to prioritize that land for affordable housing, open space, and school use. Agencies must let affordable housing developers, local park and recreation districts and departments, and school districts know that the land is available, and give those entities a chance to purchase or lease the land before initiating negotiations with others. There are certain exceptions to these requirements, including land that is not suitable for housing because of size or other factors, land that is for another public use, land that is already planned for affordable development, and land for which

there is a pre-existing sale agreement, with the sale to occur by December 31, 2022.

The Surplus Lands Act also requires jurisdictions to compile and report annually an inventory of surplus lands to HCD. Staff will be preparing such inventory for review and adoption prior to April 2023.

Applicable General Plan Policies

- Policy T-3.2 - Funding. Maximize the City's eligibility for funding for bicycle and pedestrian improvements, and aggressively pursue such funding to complete desired projects.
- Policy ED-5.2 - Housing Production. Substantially increase the production of a variety of housing types meeting the needs of persons at all income levels.
- Policy LU-3.4 - Promotion of Infill. Encourage infill development on vacant or underused sites within residential and commercial areas.

Legal Analysis

The Resolution is being presented per the guidance of, review and approval by the City Attorney.

Financial Impacts

The proposed Resolution does not have direct financial impact for the City.

ATTACHMENTS

Attachment A: Resolution of the City Council of the City of San Leandro to Comply with State Housing Laws

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