



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

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Date: April 22, 2025

Subject: Proposed Resolution and Discussion of Other Actions Opposing the State of California Interfering with the City's Land Use Authority

Recommendation

1. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, OPPOSING THE STATE OF CALIFORNIA INTERFERING WITH THE CITY'S LAND USE AUTHORITY; and
2. Discuss and consider providing staff with additional direction on actions intended to address the State's interference with the City's land use authority.

Background

Housing mandates imposed by the California Legislature aimed at increasing housing density and circumventing housing development processes directly undermine community input, proper environmental review, and planning decisions made at the local level.

The League of California Cities supports efforts by cities to adopt resolutions that oppose State-level rules that erode local control. Other organizations, such as the Association of California Cities-Orange County (ACC-OC) with 25 city members, has identified housing as a top priority, indicating potentially significant support for this effort.

Discussion

Cities and counties in California value having local control over their land use and services, including public safety. These local agencies adopt general plans and zoning codes to establish a blueprint for future housing densities and the necessary infrastructure to plan for the growth outlined in the general plan, as well as to provide a framework for the establishment of public facilities, including parks, libraries, senior centers, other recreational amenities, and police and fire stations.

State Interference with City's Land Use Authority

The State, through the Regional Housing Needs Allocation (RHNA) process, has mandated that cities update the Housing Element of their General Plan to demonstrate that the city can accommodate the building of a set number of new dwelling units without regard to the unique characteristics of a community.

Adding to the formulaic imposition found in the RHNA, a myriad of legislation has also been adopted by the State, further eroding local control. The list is long:

- SB 330 (Housing Crisis Act of 2019);
- AB 1763 (Density Bonuses for 100 Percent Affordable Projects);
- AB 1485 (Reduced planning standards);
- SB 35 (Imposes Ministerial Approval Process);
- AB 101 (Housing Development and Housing 2019-20 Budget Act);
- AB 1783 (Farmworker Housing);
- AB 68 (Accessory Dwelling Units);
- AB 881 (Processing Timelines, Ordinance Prohibitions and Triplexes);
- SB 13 (Owner-Occupancy Prohibitions and Fee Limitations);
- AB 1486 (Surplus Lands Act Process Amendments);
- SB 6 (Available Residential Land);
- AB 1255 (Surplus Public Land Inventor);
- AB 1483 (Housing Impact Fee Data Collection and Reporting);
- SB 744 (No Place Like Home Projects); and
- AB 1743 (Welfare Exemption)

At the core of these laws is the move to a “by right” model for housing development that cuts out public participation and requires approval of development that fails to account for the resources needed for those occupying the current and future housing in the communities they are located in.

The result is an unfair and punitive unfunded State mandate which has created inconsistencies in the planning processes and zoning laws, resulting in spot zoning, creating non-transparent processes in planning from the general public, consolidating power in the State with no checks and balances in the planning process, and also assuming one-size fits all regulations that do not work well in communities that have sizable undeveloped lands like Lake Elsinore.

Examples of the impacts are discussed below.

1. Erosion of Local Zoning Power

California has passed a series of laws (like SB 9, SB 10, and AB 2011) that limit local governments' ability to:

- Restrict density (e.g., mandating that single-family zones must allow duplexes or more units).
- Block or delay multi-family housing projects if they comply with objective zoning standards.
- Deny certain types of affordable housing even if local land-use plans have not been updated.

Impact: Local governments have lost discretion over zoning, project approvals, and design standards in many cases.

2. State Override of Local Plans

As mentioned above, cities must meet housing targets set through the RHNA process. If a city's Housing Element (a required part of its General Plan) is not compliant, the State can:

- Strip it of zoning authority through the “builder’s remedy”, allowing developers to bypass local zoning laws entirely for certain projects.
- Penalize cities by cutting access to state housing funds or imposing fines.

Impact: This takes away leverage cities traditionally had to pace growth, maintain infrastructure capacity, or preserve neighborhood character (design, landscaping, roadways, etc.).

3. Mandated Timelines and Streamlining

California laws have imposed strict deadlines and so-called “streamlining” measures, such as:

- SB 35: Requires cities that have not met their housing goals to streamline approval for qualifying projects.
- CEQA exemptions for certain types of housing (e.g., infill affordable housing) limit cities' ability to require full environmental reviews and its impacts to be mitigated on a community.

Impact: These timelines reduce the local ability to negotiate, revise, or deny projects, even when there are infrastructure or community concerns.

4. Tension with Local Political Will

Housing mandates often conflict with local resident sentiment. As a result, local officials have:

- Delayed updates to housing plans
- Resisted density increases
- Challenged state mandates in court (e.g., Huntington Beach's multiple lawsuits)

State Interference with City's Land Use Authority

Impact: This undermines the traditional democratic decision-making at the local level and can deepen distrust between state and local governments.

Staff recommends the City Council consider a Resolution opposing the State's mandates that increasingly require nearly automatic approval of housing development with only limited environmental review, resulting in unfunded impacts on public safety, municipal services, public schools, and healthcare facilities.

By this Resolution, the City would also encourage all 482 California cities to oppose these unfunded mandates and unrealistic goals set by the State and preserve local control.

Fiscal Impact

There is no immediate fiscal impact associated with this action.

However, unfunded mandates thrust upon the City by the State limit the City's ability to provide vital services to its residents and businesses. While this resolution does not have a direct fiscal impact, the issue itself has a significant fiscal impact on the city's ability to govern itself.

Attachments

Attachment 1 – Resolution
Development