

Opinion: Land use control key to Calif. housing crunch

By Dan Walters, CALmatters

The death of far-reaching – even revolutionary – legislation to facilitate housing development crystallized a conflict that’s been simmering in California for decades: Who controls land use?

Based on “police powers” in the state Constitution, cities and counties have, for many decades, regulated how land may be used. They do this most obviously by zoning it for specific purposes, such as residential, commercial, industrial or agricultural, with countless subcategories, but also by controlling specific projects within those zones.



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In theory, such regulation avoids incompatible uses. But there are enormous social and economic consequences as well, and it’s a purely political process with a veneer of civic benefit but often with corrupt undertones.

Zoning and other land use tools also affect the “character” of a community, as opponents of specific projects often contend. But they also may reinforce its tendencies toward racial and economic segregation by ensuring that only those with higher incomes can afford to live there.

Local governments also have financial stakes in land-use decrees – by, for instance, maximizing land available for retail developments that generate sales taxes.

Historically, state government has taken a more or less hands-off attitude toward land use, even though its activities, such as building highways and water systems, have obviously affected how land is developed, or not. Indeed, one could argue with ample authority that the perennial wrangling over water has been a proxy war over land use.

Over the last several decades, however, the state has become more directly involved by requiring localities to have general plans to guide their development, by setting housing quotas (although not really enforcing them until this year), by requiring more housing near transit lines to reduce greenhouse gases and by the creating powerful regional regulators such as the Coastal Commission and the Tahoe Regional Planning Agency.

Today, however, the state's ongoing, and ever-worsening, housing crisis has placed the land-use question on the front burner of political consciousness.

California, state officials say, needs to be building 180,000 new units of housing a year to keep up with population growth, replace housing that's lost to fire and old age and make a dent in the backlog. However, the state is scarcely meeting 60 percent of that goal and is particularly deficient in low- and moderate-income housing.

The biggest impediment to building more housing is resistance within local governments that control land use. City councils and other elected bodies reflect their voters' disdain for having more neighbors that would bring more traffic and other consequences of population growth, a syndrome especially virulent when it comes to high-density "affordable" projects.

It has a name: "not in my backyard," or NIMBY.

State Sen. Scott Wiener, a San Francisco Democrat, proposed to override local land use control with legislation to allow construction of up to five-story apartment buildings near major public transit stops, including areas zoned for single-family homes.

Local governments, labor unions and even some housing advocates lined up against Senate Bill 827, some contending it went too far and others saying it didn't go far enough. Ultimately, it received just four votes in its first committee hearing, far short of what it needed to advance.

SB827 may be dead, at least for the time being, but the underlying land-use question is very much alive.

It's highly unlikely that California can deal with its housing crisis unless it somehow overrides local authority over land use to blunt NIMBYism. But could it be done without also shifting the high-stakes, often smarmy political gaming over specific projects to Sacramento as well?

If not, the cure could be just as bad as the disease.

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