



American Planning Association
California Chapter

Making Great Communities Happen

APA CALIFORNIA LEGISLATIVE UPDATE

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Many Planning Related Bills Continue to Move:

The deadline for bills to pass their first policy committee on May 13th came and went, with over a hundred planning-related bills still continuing to move. APA California has been busy working on bills dealing with affordable housing, the density bonus law, and environmental justice, just to name just a few.

APA California also is continuing to advocate for its sponsored by right housing legislation with the goal to make it easier to get housing built. The by right housing approval issue was elevated recently when the Governor submitted his own budget trailer bill language proposing a much broader by right process. APA is working with the Governor's staff, HCD and budget committee staff to develop a much more focused proposal closer to APA's concept in AB 2522, authored by Assembly Member Bloom. More information on AB 2522 is below.

The Governor's May Revise

The Governor released the May Revise on May 13th. Below is a list

of relevant sections of the summary of interest to planners. The full summary can be found at:

<http://www.ebudget.ca.gov/FullBudgetSummary.pdf>.

Of interest to APA Members:

- Page 10 – Reducing the Cost of Housing
- Page 11 - Strengthening Infrastructure – Summary
- Page 12 - Addressing Climate Change - Summary
- Page 45 - Housing and Local Government
- Page 53 - Redevelopment Agencies
- Page 61- Transportation, including Governor's transportation funding package
- Page 65 - Drought Resiliency
- Page 75 - Enhancing Environmental Justice

As mentioned above, also included in the May Revise is a proposal on by right development. APA California appreciates the Governor and HCD elevating the discussion of by right and the need to find ways to get affordable housing built, however APA California's proposal is narrower in scope and uses by right processes already authorized in existing statutes. APA California will continue to work with the administration to get a by right bill passed this year.

KEY PLANNING BILLS

Below is a list of key planning bills that APA California actively lobbied so far this session. To view the full list of hot planning bills, copies of the measures, up-to-the minute status and APA California letters and positions, please continue to visit the legislative page on APA California's website at www.apacalifornia.org.

AB 1934 (Santiago) – Density Bonus for Commercial Development

This bill would require a city or county to grant to a commercial developer a density bonus when an applicant for commercial development agrees to partner with an affordable housing developer to construct a mixed-used project with the housing located on the same site. The author's goal is to find creative new ways to get more affordable housing built. While the bill continues to move, it does so with the caveat that the author will continue to work with stakeholders to come to a consensus. APA California participated in a meeting to discuss stakeholder concerns, including APA's opposition to the lack of a definition of "partner" and the concessions that cities and counties would be forced to grant the commercial developer, including a 20% variance on floor area ratio and other local requirements. APA California will be reviewing amendments based on the discussion in the meeting, but cannot support the bill as currently amended.

Position: Oppose Unless Amended

Status: Assembly Floor

AB 2002 (Stone) – FPPC Requirements for Communication with the Coastal Commission

This bill would have required anyone lobbying the Coastal Commission to register with the FPPC as a lobbyist, unless the person is a local government agency employee or lobbies for not more than one action per year. APA California took an Oppose unless Amended position because the bill did not exempt planning consultants and design professionals hired by local agencies to act on the agencies' behalf with Commission staff. After meeting with author's office on this issue, the author agreed to amend the bill to clarify that planning consultants and design professionals representing local agencies would not be required to register before having discussions with Commission staff.

Position: Neutral as Amended

Location: Assembly Appropriations Suspense File

AB 2208 (Santiago) – Inventory of Sites to Include Housing Sites Above Local Government Buildings and Underutilized Sites

This bill would expand the Housing Element inventory of land suitable for residential development to include buildings owned or under the control of a city or a county, zoned for residential or nonresidential use and capable of having residential developments constructed above the existing building, as well as “underutilized” sites (which is not defined). APA California took an oppose position because such potential sites most likely would be infeasible (specifically related to air rights), or most likely could not be guaranteed to be developed within the planning period depending on what the current use of the “underutilized site” is and when it might be available for development. This bill will likely be amended to remove the sections related to “underutilized sites” and require HCD to instead add guidelines and advice to local governments related to air rights and underutilized sites in HCD’s annual Building Blocks manual.

Position: Oppose unless Amended

Location: Assembly Floor

AB 2299 (Bloom) – Mandatory Second Unit Ordinances and Reduced Parking Requirements

This bill would require a local agency to provide by ordinance for the creation of second units in single-family and multifamily residential zones. It would also prohibit the imposition of additional parking for a second unit that is located within one-half mile of public transit or shopping or is within an architecturally and historically significant district. APA California has no concerns with the majority of the bill and supports the use of second units as a source of affordable housing. However, we have requested

that the bill be amended to use the parking standard in AB 744 (Chau, 2015). That language strikes a balance by providing for substantially reduced parking requirements to encourage housing near true active transit – without overburdening surrounding developments with spillover parking. The AB 744 amendment allows for reduced parking requirements: *if the development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development.* We anticipate this language to be amended into the bill soon.

Position: Support if Amended

Location: Assembly Floor

AB 2501 (Bloom) – New Density Bonus Requirements

AB 2501 makes a number of substantial changes to the density bonus law. A number of provisions opposed by APA in the original version of the bill have been removed, including a requirement that the local agency make a written determination on whether the applicant's application is complete within 30 calendar days of receipt, and a determination of an application for a density bonus with 60 calendar days. However, the bill still requires any density calculation that results in fractional units to be rounded up to the next whole number, and most importantly removes the ability of the local agency to ask the developer for financial information relating to the need for a requested concession, incentive or waiver. APA is working with the housing advocates sponsoring this bill to put back in the ability for a local agency to request that financial information and on several other issues of concern.

Position: Oppose Unless Amended

Location: Assembly Floor

AB 2502 (Mullin) – Inclusionary Housing Programs

This bill would amend that state's Planning and Zoning Law to make it clear that inclusionary zoning is a permitted land use power in light of the *Palmer* decision. APA California is supporting this bill because it is one of very few but important options available to local governments to increase the supply of affordable housing in California.

Position: Support

Location: Assembly Floor

AB 2522 (Bloom) – By Right Housing

To help address the increasing lack of affordable housing in California, APA California is sponsoring AB 2522 to speed up approvals of housing projects proposed on sites already identified by the local agency, and at the densities specified in the agency's housing element. AB 2522 mandates that certain attached housing developments be a permitted "use by right". To ensure reasonable local control over by-right sites, the attached housing must meet all of the following ministerial criteria:

1. Is either located on a site identified in the housing element inventory, or is located on a site that has been or will be rezoned pursuant to the local jurisdiction's housing element program.
2. Does not contain more dwelling units than were projected by the jurisdiction to be accommodated on the sites and any density bonus for which the development is eligible.
3. Complies with applicable, objective general plan and zoning standards and criteria, including design standards, in effect when the attached housing development was determined to be complete.
4. Is either located in an urbanized area or located on an infill site.

5. Contains 20% of its units for lower income households, or 100% for moderate-income households.

As mentioned above, the Governor has now endorsed as part of his budget package a much broader by right proposal that is not supported by APA as written. However, we have agreed to work with the Governor, HCD and the budget committees with the goal to pass a more targeted by right bill this year.

Position: Support

Location: Working with the Governor on a more targeted by right proposal

AB 2734 (Atkins) – Local Control Housing Funding Act

This bill requires the Department of Finance to calculate the savings to the state attributable to the elimination of redevelopment agencies and provide 50% of that amount, or \$1 billion, whichever is less, to HCD to provide funding to local agencies for housing. This is Assembly Member Atkins' third attempt to establish a permanent source of funding for affordable housing. APA California continues to support her efforts as we have in the past. APA is also supporting the Senate's proposal to redirect mental health funding for supportive housing, and other budget proposals providing various sources of funding for affordable housing.

Position: Support

Location: Assembly Suspense File

SB 876 (Liu) – The Right to Rest Act

This bill would have prohibited cities and counties from enacting or enforcing laws that ban resting in public spaces. It would have also specifically provided that persons experiencing homelessness have the right to use any public space without discrimination based on their housing status. While the bill was well intended, APA California doesn't believe that allowing the homeless to rest

in public spaces will help meet state and local goals to get people the help they need to end the homeless cycle. APA California does support Senate and Assembly efforts to assist local agencies with homeless resources. Senator de Leon's recent "No Place Like Home" proposal, for example, will provide much needed funding for mentally ill homeless as well as changes to existing shelter resources. After two attempts to get this bill out of the Senate Transportation and Housing Committee, the Senator failed to get enough votes to pass the bill and the bill was held in the committee.

Position: Oppose

Location: Dead

SB 1000 (Leyva) – Mandatory Environmental Justice Element in the General Plan

This bill would add a new Environmental Justice Element to the already existing seven elements in the general plan law. The bill would require that the new element identify disadvantaged communities within the jurisdiction and objectives and policies to reduce health risks. APA California supports amending local general plans, taking into account OPR's new guidelines related to environmental justice, to include environmental justice goals and policies. However, APA cannot support a new and unfunded state mandate to include a new element within the general plan, opening up the general plan law to mounting legislative requests for many other stand alone elements in future years. Updating the general plan to add a brand new element is extremely expensive, requiring not just the adoption of the new element, but also a review of the general plan and underlying zoning to ensure internal consistency between each of the required elements. APA California has offered amendments that would require local jurisdictions to include environmental justice goals, policies and objectives, but allow the local agency to determine

whether they would be included within an existing element or elements or related document, or in a stand alone element. APA has also requested an amendment allowing these changes to be adopted or reviewed either upon the next major revision of the general plan involving two or more elements, or upon the adoption or revision of the housing element, as determined by the local agency, on or after January 1, 2018. In spite of APA's support of the goal of the bill, if the Senator does not accept these amendments, APA California will move to an oppose position.

Position: Support if Amended

Location: Senate Appropriations Suspense File

SB 1069 (Wieckowski) "Accessory Dwelling Units" Ordinances and Reduced Parking Requirements

This bill would change the name of "second units" to "accessory dwelling units" and require a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones. It would also prohibit the imposition of additional parking for an accessory dwelling unit that is located within one-half mile of public transit or shopping or is within an architecturally and historically significant district. This bill is very similar to AB 2299. APA California has taken the same position – supporting second units as a key source of affordable housing but asking that the bill be amended to use the parking standard in AB 744 (Chau), signed into law in 2015. The parking standard in AB 744 strikes a balance by providing for substantially reduced parking requirements to encourage housing near true active transit – without overburdening surrounding developments with spillover parking. That definition of active transit allows for reduced parking requirements *if the development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development*. At this point, Senator Wieckowski has not accepted

APA's amendment, so APA is considering moving to an oppose position.

Position: Support if Amended

Location: Senate Floor