



American Planning Association
California Chapter

Making Great Communities Happen

APA CALIFORNIA LEGISLATIVE UPDATE

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2014 Legislative Session Comes to a Close

The 2014 Legislative Session came to an end on August 29th. The Governor has now signed or vetoed all bills on his desk. APA California lobbied the Legislature on hundreds of bills as they made their way through their final stages of session and was able to reach agreement on a number of high priority measures.

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

As my term as the Vice President of Policy and Legislation draws to a close, I would like to express my gratitude to all of those who have contributed to the success of the APA California's legislative program over the last four years, including all of those who participate in the legislative review teams, the ever-supportive APA California Board Members, and the amazing Stefan/George staff – without Sande and Lauren our successes in Sacramento would not be possible! It has been a pleasure and personally rewarding to serve APA California in this capacity. And finally, congratulations to John Terrell, who will step into the position in January, 2015. Best regards, Dave

AB 52 (Gatto) Impacts of Projects on Tribal Resources Under CEQA: This bill, sponsored by the Native American tribes, is intended to provide a separate statutory process for tribes to engage in the California Environmental Quality Act review process to avoid significant effects on tribal resources. Far different from the bill that was introduced, AB 52 as sent to the Governor is more consistent with the existing CEQA process. APA had suggested amendments to deal with impacts on sacred sites outside of the CEQA process, and still has concerns that the bill requires cities and counties within very short timelines to make complex determinations about identification of sacred sites and appropriate mitigation without a clear path to guide agencies in making those determinations. However, APA strongly believes that there should be a place at the table for tribes to be consulted and have the opportunity to propose mitigation on projects as part of the CEQA process. The bill as now amended seems to have found a balance.

The bill provides a clearer process within the existing CEQA structure and timelines to protect the cultural and religious places and objects that are significant to tribes in California. At the same time, this new consultation process ensures that lead agencies retain the ability to make the final decisions on CEQA determinations and mitigation appropriate for the project.

APA California Position: Neutral as Amended

STATUS: Signed by the Governor

AB 1147 (Bonilla) – Massage Therapy Act of 2014: This bill will assist cities and counties in dealing with those in the massage industry who are involved in unlawful activities and regain planning tools lost with the passage of SB 731 (2008). While well intended, SB 731 actually resulted in many unintended consequences and essentially the deregulation of the massage industry. Of specific interest to APA is a provision in AB 1147 that removes the current unworkable requirement that local agencies must “uniformly” regulate massage parlors in the same manner that the jurisdiction regulates other professional businesses – obviously, an accountant’s office is not the same as a massage parlor. This requirement and others in SB 731 tied the hands of local agencies in their efforts to ensure that such establishments are lawfully operated, and that health and safety standards are met. To remedy that problem, AB 1147 authorizes local agencies to adopt ordinances to require massage establishments to obtain a license or permit, and to comply with reasonable health and safety standards, while also establishing certain state-wide criteria that local agencies cannot deviate from. The bill is a vast improvement as compared to the existing statute.

APA California Position: Support

STATUS: Signed by the Governor

AB 1739 (Dickinson) – Groundwater Sustainability Plans: This bill, along with SB 1168 and SB 1319 by Senator Pavley, requires adoption of groundwater sustainability plans. APA California supported the bill’s goal to institute in California responsible and fair groundwater management requirements similar to every other state. AB 1739 specifically requires groundwater agencies and cities and counties to share information with each other, requires local agencies to consider sustainable groundwater plans and information when amending general plans, and clarifies that local agency authority to regulate groundwater extraction must be consistent with local general plans unless there isn’t “sustainable yield” for a planned land use. These amendments ensure that groundwater and planning agencies communicate and collaborate, while still providing flexible options that provide the groundwater agencies with authority to protect the resource in critical situations.

APA California Position: Support

STATUS: Signed by the Governor

AB 2188 (Muratsuchi) – Residential Rooftop Solar Permitting: Original language in this bill would have required local agencies to adopt a new ordinance creating an expedited permitting and inspection process for residential rooftop solar systems under 10 kilowatts, requiring permit approval within 24 hours and a completed inspection within 2 days. APA, along with the League, CSAC, RCRC and others strongly opposed the bill. Obviously, the timelines were infeasible and would have made solar permits a priority at the expense of every other type of permit. Because of this opposition, the author amended the bill to instead require a city or county to adopt an ordinance that creates a checklist that the solar application must meet to be approved. In developing the

ordinance, the city, county, or city and county is required to substantially conform its expedited, streamlined permitting process with the recommendations for expedited permitting, including the checklists and standard plans contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor's Office of Planning and Research, unless there are unique climactic, geological, seismological, or topographical conditions that warrant deviation from the Guidebook recommendations. The checklist must be made available on the agency's website, if it has one, and electronic submittal of permit applications and electronic signature authorizations should be made available, unless the agency states in its ordinance why it cannot accept signatures. An application that meets the city or county adopted checklist would be deemed complete upon receipt, as long as all required information is provided. If the application is incomplete, the local agency must issue a written correction notice detailing the deficiencies and what is required or expedited review and issuance. As for inspections, the previous timelines (ranging from 2 days to 5 days) were dropped from the final version of the bill. APA California requested an additional clarification, which helped to resolve this issue by elimination of the inspection timeframes. The final version of the bill does state that only one inspection may be required, except that separate fire inspections can be required in some situations. If a system fails inspection, further inspections are not subject to the limitations in the bill. With the final revisions, APA California took a neutral position on the bill as it reached the Governor's desk.

APA California Position: Neutral as Amended

STATUS: Signed by the Governor

AB 2280 (Alejo) – Community Revitalization and Investment Authorities: AB 2280 would have authorized the creation of a new entity at the local level, a Community Revitalization Investment Authority (CRIA), that would have provided a limited redevelopment option for the most disadvantaged and poorest areas of the state. A CRIA would have been empowered to invest the property tax increment of consenting local agencies (other than schools) and other available funding to reduce crime rates, repair deteriorated and inadequate infrastructure, and develop affordable housing. It would have had similar powers to former redevelopment agencies, but would have been required to have no impact on school funding. The bill would additionally have increased the traditional affordable housing set-aside in a CRIA from 20% to 25%, with expanded accountability criteria. APA California's President and Vice President of Policy and Legislation co-wrote an editorial asking the Governor to sign this timely bill that was published in the Sacramento Bee. Unfortunately, the Governor vetoed this important bill and nearly every other redevelopment-related measure. See the Governor's veto message below.

APA California Position: Support

STATUS: Vetoed by the Governor

Governor's Veto Message: *I am returning Assembly Bill 2280 without my signature. This bill allows local governments to establish a Community Revitalization and Investment Authority to use tax increment revenues to invest in disadvantaged communities. I applaud the author's efforts to create an economic development program, with voter approval, that focuses on disadvantaged communities and communities with high unemployment. The bill, however, unnecessarily vests this new program in redevelopment law. I look forward to working with the author to craft an appropriate legislative solution. Sincerely, Edmund G. Brown Jr.*

AB 2561 (Bradford) – “By right” Urban Entrepreneurial Gardens: Originally this bill

would have mandated that community agriculture (community gardens), entrepreneurial agricultural (on site sales in residential and commercial zones), and personal agriculture (produce grown for the homeowners' own use) be authorized in the entire city or county "by right". APA California, along with the League of Cities, asked that the bill be amended to remove the section of the bill restricting local zoning ordinances and requirements for these gardens. The Assembly Local Government Committee agreed and the author amended the bill to remove restrictions on local government authority. With that amendment, APA removed its opposition.

APA California Position: Neutral as Amended

STATUS: Signed by the Governor

SB 674 (Corbett) – CEQA Exemption for Mixed Use Infill Projects: This bill revises the statutory CEQA residential infill exemption by increasing the amount of allowable neighborhood-serving goods, services, or retail uses from 15% to 25% of the building square footage.

APA California Position: Support

STATUS: Signed by the Governor

SB 1077 (DeSaulnier) – Vehicle Miles Traveled Tax Study: This bill creates a Road Usage Charge (RUC) Technical Advisory Committee to guide development and implementation of a pilot program to study the potential for a RUC as an alternative to the gas tax.

APA California Position: Support

STATUS: Signed by the Governor

SB 1168 (Pavley) – Groundwater Sustainability Plans: This bill, along with AB 1739 by Assembly Member Dickinson and SB 1319 by Senator Pavley, requires the adoption of a groundwater sustainability plan (GSP) by January 31, 2020, for all high or medium priority basins that are subject to critical conditions of overdraft and by January 31, 2022, for all other high and medium priority basins unless the basin is legally adjudicated or the local agency establishes it is otherwise being sustainably managed.

APA California Position: Support

STATUS: Signed by the Governor

SB 1319 (Pavley) – Groundwater Sustainability Plans: This bill amends AB 1739 as requested by the Governor to give more time for "good actors" to comply with the new groundwater sustainability requirements. Specifically, it delays for 3 years (until 2025) the Water Board's authority to intervene in a basin or subbasin that is not in overdraft, but is causing significant depletions of interconnected surface waters and clarifies that the SWB is required to exclude from probationary status any portion of a basin or subbasin for which a Groundwater Sustainability Agency is in compliance with the sustainability goal.

APA California Position: Support

STATUS: Signed by the Governor