



MEMO TO: SENATE TRANSPORTATION & HOUSING COMMITTEE

FROM: APA CALIFORNIA

DATE: JULY 3, 2017

SUBJECT: **OPPOSE UNLESS AMENDED - AB 1515 (DALY) – HOUSING ACCOUNTABILITY ACT CONSISTENCY FINDINGS** – In Senate Transportation & Housing Committee – Tuesday, July 11th

The American Planning Association, California Chapter (APA California) must respectfully oppose AB 1515.

AB 1515 would require a housing development project under the HAA to be deemed “consistent, compliant, and in conformity” with any local zoning or plan if there is **substantial evidence that would allow a “reasonable person to conclude” that the housing development project is consistent, compliant, or in conformity.**

This is really no different than the “fair argument” standard applied in CEQA, but is a new and undefined review requirement for land use decisions. It would essentially allow applicants to determine whether a project is consistent with the local zoning and general plan. Under this bill, a project would have to be found consistent with local plans if there's any evidence or interpretation supporting a finding of consistency, regardless of circumstances and evidence to the contrary.

It also ignores already existing requirements in the HAA that limit the agency to requiring compliance with “objective” development standards and policies which must be applied to facilitate the density permitted on the site. It also is in conflict with standard of review changes to the HAA included in SB 167 and AB 678.

APA suggests that the bill be amended to insert in the statute the existing standard: the local agency's finding is assumed to be correct unless no reasonable person could reach that conclusion. This retains the “reasonable person” phrasing in the bill without allowing developers to begin making what are clearly local determinations, or to take a local agency to court over every finding.

If you have any questions, please contact APA California's lobbyists, Sande George or Lauren De Valencia with Stefan/George Associates, 916-443-5301 or sgeorge@stefangeorge.com and lauren@stefangeorge.com.

cc: Governor's Office
OPR
Republican Caucus

C/O STEFAN/GEORGE ASSOCIATES
1333 36TH STREET
SACRAMENTO CA 95816-5401

P: 916.736.2434
F: 916.456.1283
www.calapa.org