



American Planning Association  
**California Chapter**

*Making Great Communities Happen*

June 7, 2016

The Honorable Jerry Brown  
Governor of California  
State Capitol, Room 1173  
Sacramento, California 95814

**SUBJECT:     June 1, 2016 Version of By Right Approval of Affordable  
Housing Budget Trailer Bill – SUPPORT IF AMENDED**

Dear Governor Brown:

The American Planning Association, California Chapter (APA California) supports the concept of authorizing by right approval of affordable housing included in your budget trailer bill proposal. In fact, APA California sponsored its own by right proposal, AB 2522 (Bloom), this year.

AB 2522 has a similar goal as your budget trailer bill proposal, but uses ministerial approval processes already authorized in existing law. Under APA's by right proposal, projects would qualify for the by right approval if they were located on sites already designated by the city or county in the housing element for housing, located in an urbanized area, and consistent with written, adopted General Plan, zoning and design criteria. This would apply to multifamily rental housing projects that include at least 20% low-income or 100% moderate-income (workforce) housing. "By right" approval means that if the housing project meets these criteria, then, by right, the project is required to be approved by the local agency without further discretionary actions. Such by right approval is already required on any housing element site where rezoning was required.

APA California respectfully requests that you use the by right language in AB 2522 as your bill language rather than the existing language in the budget trailer bill as currently drafted. The AB 2522 language was vetted by multiple planning experts to ensure consistency with existing planning laws, processes, definitions, and ministerial review, and targets both low-income and workforce housing. The plight of moderate-income households, particularly in coastal counties, has been well documented. Any by right process should be available to assist those households as well.

However, if the decision is to continue with the most recent trailer bill draft, APA California recommends the following amendments (see attachment). These changes are intended to ensure that the budget trailer bill is consistent with existing requirements related to project review at the local level.

APA California believes that a by right statute would be an important tool for cities and counties to get affordable and market-rate housing built on sites

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already designated by a city's or county's own housing element and consistent with their own planning, zoning and design standards -- while at the same time providing a fast-track advantage for market-rate developers who elect to build affordable and workforce housing.

If the state could add 20% affordable housing to every market-rate development, the increase in the affordable housing stock would be increased dramatically. By right approval of mixed-income housing will actually help to get housing built, while retaining important opportunities for the public to participate in planning for housing in their own communities early in the process. **However, there is a still a need for funds to assist in the construction of affordable housing. By right housing alone will not be the answer to fulfill the need.**

We look forward to working with your office and HCD on this issue. If you have any questions, please contact APA California's lobbyist, Sande George with Stefan/George Associates, 916-443-5301 or [sgeorge@stefangeorge.com](mailto:sgeorge@stefangeorge.com).

Sincerely,



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cc: Members of the Budget Conference Committee  
Republican Caucus  
The Honorable Anthony Rendon, Speaker of the Assembly  
The Honorable Kevin De Leon, President Pro Tem of the Senate  
OPR

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