



September 26, 2017

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

SUBJECT: **SB 166 (SKINNER) – EXPANSION OF NO-NET-LOSS OF HOUSING SITES TO LOSS OF AFFORDABILITY – REQUEST FOR CLEAN UP AMENDMENTS AFTER BILL IS SIGNED**

Dear Governor Brown:

The American Planning Association, California Chapter (APA California) worked with Senator Skinner, her staff and the sponsors of SB 166 and supports the goal of the bill. We appreciate the many meetings we had to develop a consensus on nearly all of the provisions in the bill. APA understands that the bill is in the Housing Package that you have endorsed and plan to sign. We, however, have a support if amended position on the bill due to two remaining issues. We hope to work with you and the sponsors next year to deal with these issues in a clean-up measure.

This bill would mandate that cities and counties implement a rolling adequate sites and rezoning requirement by income level, rather than total units. Although APA agrees that no jurisdiction should be left with only a few or no sites that can accommodate affordable housing by the end of the housing element planning period, the remedy of continuous rezonings is an extremely onerous requirement for cities and counties -- there aren't enough subsidies to build on 100% of sites designated for affordable housing and the HAA prevents jurisdictions from denying a market-rate housing project proposed on a site that is designated for affordable housing – a Catch 22. We however believe that two amendments would assist local governments in carrying out these new provisions:

- **Provide the option of less onerous alternatives to the continuous rezonings** by allowing cities and counties to rezone sites designated as suitable for affordable housing just once in the planning period, in year

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4, if the number of sites that can accommodate affordable housing goes below 50% of the RHNA; or require market-rate multi-family housing approved on affordable sites to include an inclusionary requirement similar to that in former RDA law.

- **For rezonings that are subject to CEQA, the 180-day rezoning time limit should be extended** by the number of days, if any, required by CEQA. The 180-day time period to complete the rezoning is too short to accommodate any necessary review of CEQA.

APA believes that our suggested amendments will ensure that affordable housing developers have a variety of sites from which to choose for housing projects over the eight-year planning period, but at the same time will reduce the complexity of multiple rezonings in the planning period, and allow adequate time to comply should CEQA be required. APA looks forward to working with you and your staff, along with Senator Skinner and the sponsors, to clean up this language as early as possible next year.

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

Sincerely,

John Terell

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cc: Governor's Office
OPR
Senator Nancy Skinner

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