



American Planning Association
California Chapter

Making Great Communities Happen

March 25, 2018

Assembly Member Chiu
Room 4112
State Capitol
Sacramento, California 95814

SUBJECT: **AB 2162 (CHIU) – NOTICE OF SUPPORT IF AMENDED**
STREAMLINING AFFORDABLE SUPPORTIVE HOUSING
DEVELOPMENTS – IN ASSEMBLY LOCAL GOVERNMENT
COMMITTEE

Dear Assembly Member Chiu:

The American Planning Association, California Chapter (APA California) is supporting your measure, AB 2162, if amended. AB 2162 would streamline affordable supportive housing developments by approving projects with supportive housing as a use by right. AB 2162 would encourage more supportive housing to be well integrated into communities and provide needed housing for people looking to improve their life situation.

We are asking for several key amendments, however, to allow cities and counties adequate time to approve these projects and clarify requirements:

- S. 65650 defines “supportive housing” consistent with the Housing Element law, but then adds a new requirement for supportive housing to also incorporate the core components of Housing First. How will communities determine whether the housing complies with these core principles? It is a long list and pretty subjective. And, the addition means that the definition in the bill is no longer the same as the definition of supportive housing in the Housing Element law. The core principles apply to state agencies, which have to develop regulations and guidelines to incorporate the core principles by 7/12/2019. What happens when someone doesn’t think a city is adhering to the core principles? Who reviews that? Instead, require a public funding source tied to the Housing First standard. That would clearly tie the programs together, keep the definitions consistent, and allow locally funded programs too.

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- S. 65653(b) uses S. 65583.2 as the definition of “by right” but then different processing requirements are listed in S. 65653. S. 65653(b) can’t mandate approval if the project doesn’t comply or is incomplete. S. 65653 could be eliminated entirely, with agencies simply required to approve “by right”. Alternatively, if the supportive housing will be required to be an approved use by right, the processing timeline should be made consistent with the Permit Streamlining Act from the determination that the application is complete, rather than 60 days from submittal. Otherwise, local agencies will be forced to deny applications that are substantially incomplete. Additionally, a total of 60 days does not allow enough time for processing particularly in cities or counties with smaller staff and for larger, complex projects. A realistic timeline would instead require the local government to complete its “by right” review of the application within 60 days after the application is complete, for a project with 25 units or less, or within 120 days after the application is complete, for a project with more than 25 units.
- In S. 65651 (b), the bill uses the phrase “least restrictive zoning.” The “least restrictive standards or requirements applicable to the jurisdiction” is undefined; it’s not clear which standards are the “least restrictive.” APA suggests using language similar to that for emergency shelters in S. 65583(a)(4)(A): “provided, however, that the development shall be a use by right and shall only be subject to the objective standards, conditions, and policies that apply to other multifamily development within the same zone.”
- In S. 65654, the bill eliminates minimum parking requirements for supportive housing if it is located near a public transit stop. The density bonus parking standards (which would be applicable to these projects) already give additional benefits to supportive housing. But the bill appears to eliminate any parking minimums for the entire project, not just the supportive housing units. Given the size of many affordable housing projects, the bill should be clarified to apply the no parking minimum requirement to the supportive housing units not the entire project.
- S. 65651 (a) requires supportive housing to be a use by right in zones where “multiple dwelling uses” are permitted, which is not defined. Is this meant to be zoned for “multi-family” housing?
- There are some agencies that still require use permits for supportive housing, which was not the intent of the Legislature. S. 65583 (4) of the housing element law requires the identification of zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. Additional zones however can be permitted with a conditional use permit. The housing element law should be amended to add a new (4) (E) specifying that supportive housing must be a use by right pursuant to S. 65651.

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APA California is willing to work with you on the bill to address the issues and questions outlined above. We have attached some suggested language in response to our suggestions, including some technical cleanup.

If you have any questions, please contact our lobbyist, Sande George, with Stefan/George Associates, sgeorge@stefangeorge.com, 916-443-5301.

Sincerely,

John C. Terell

John C. Terell, AICP
Vice President, Policy and Legislation - APA California

cc: Governor's Office
Assembly Local Government Committee
OPR
Republican Caucus

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