



American Planning Association
California Chapter

Creating Great Communities for All

January 9, 2020

Assembly Member Buffy Wicks
Room 5160
State Capitol
Sacramento, California 95814

SUBJECT: **NOTICE OF NEUTRAL IF AMENDED PER COMMITTEE AMENDMENTS, AB 725 (WICKS)**
UNIT PERCENTAGE REQUIREMENT FOR ABOVE-MODERATE-INCOME HOUSING SITES IN
HOUSING ELEMENT
IN ASSEMBLY HOUSING COMMITTEE, WEDNESDAY, JANUARY 15TH
IN ASSEMBLY LOCAL GOVERNMENT COMMITTEE, WEDNESDAY, JANUARY 15TH

Dear Assembly Member Wicks:

After reviewing the January 6th amendments to AB 725, APA continues to have concerns with the bill and must remain opposed unless the bill is amended to narrow its scope as suggested by the committee amendments. The bill as amended would require that at least 50% of a suburban or metropolitan jurisdiction's share of the regional housing need for above moderate-income housing be allocated to sites within the housing element with zoning that allows as least 2, but no more than 20, units of housing. APA appreciates that your staff and the sponsor provided APA with a chance to review these amendments before they were in print. And, this approach does provide more flexibility than the original version of the bill which would have prohibited more than 20% of above-moderate-income sites from being zoned for single family units.

Unfortunately, though, APA is still concerned that the bill as now in print would require extensive planning and rezoning requirements for much of the state without yielding additional units due to the vastly different markets that restrict the types of housing that can be successfully built and sold. However, if the bill is amended to narrow its scope per the committee amendments, APA would remove its opposition and move to neutral on the bill. APA understands that the committee has asked for the following amendments:

1. Amend the site requirements and density range to require at least 25 percent of the jurisdiction's share of the regional housing need for moderate-income and above moderate-income housing be allocated to sites with zoning that allows at least two units of housing, but not more than 35 units per acre of housing. This will substantially increase the percentage of multi-family housing

allowed on these sites and the “per acre” reference is consistent with existing housing element and zoning calculations.

2. Limit the new requirements to larger metropolitan jurisdictions where the market will allow these types of developments to pencil out and will not unintentionally function as a restriction on housing production, especially in places like the Central Valley.
3. Amend (4)(B), which restricts requirements on these sites, to ensure that it’s clear that this provision is declaratory of existing law, and that this language doesn’t preclude affordable housing from being built on these sites, or prohibit cities from imposing controls they otherwise would impose including inclusionary housing or impact fees.
4. Remove (4)(C) relating to the application of court remedies for non-conforming housing elements. This section is actually inconsistent with the manner in which these remedies are imposed.

With these amendments, APA would remove its opposition to the bill and move to neutral.

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

Sincerely,



Eric S. Phillips
Vice President, Policy and Legislation - APA California

cc: Governor’s Office
OPR
Republican Caucus