



American Planning Association
California Chapter

Creating Great Communities for All

May 21, 2020

Senator Anna Caballero
Room 5052
State Capitol
Sacramento, CA 95814

SUBJECT: **NOTICE OF SUPPORT IF AMENDED – SB 1385 (Caballero)**
Authorized Residential Uses in Retail and Office Zones
In Senate Government and Finance Committee – Thursday, May 28th

Dear Senator Caballero:

The American Planning Association, California Chapter, has taken a support if amended position on SB 1385. Your bill will authorize residential projects in retail and office zones. APA supports this concept and the provision allowing the developer to request the use of the existing Mello-Roos District formation to pay for facilities if they are able to get the property owner votes. We also appreciate the time your staff has taken to discuss the bill with us.

However, there are a few issues that we would like to work with you to resolve as the bill moves forward, and suggests the following amendments:

- Allow jurisdictions to find alternative sites to zone by ordinance for multifamily to allow the city or county to protect commercial zones needed to pay for essential services, if the alternative multifamily sites allow development for multifamily by right instead of the requirement now proposed in Section 65852.23(c)(2) requiring a finding related to construction costs.
- Prohibit proposed housing development projects adjacent to industrial uses from qualifying for the provisions of the Neighborhood Homes Act.
- Require the retail/office sites to be in urban infill areas.
- In Section 65852.23(b)(2)(A), provide that the housing development project shall meet local objective criteria for local impact fees, objective design standards, and other objective development standards that do not preclude building at the densities permitted under the bill. This would be similar to processing a waiver under Density Bonus Law, which process is already familiar to developers and local agencies.
- Include an affordability production requirement, or specifically allow local inclusionary units to be imposed, if SB 35 streamlining is not being requested for the project.
- Allow a process for some percentage of the neighborhood lots where residential development projects would be authorized to be presumed available to satisfy RHNA site requirements, working with HCD.
- Move the requirement that a site contain no existing commercial or residential tenants on 50 percent or more of its total square footage for a period of at least three years prior to the submission of the application from Section 65913.4(a)(2)(C)(i)(III) to the general qualifying criteria in the Neighborhood Homes Act itself.
- Delete the finding in Section 65852.23(a)(2) that building at higher densities necessarily makes housing affordable by design without subsidies or legal restrictions – that isn't universally true across many locations in California.

APA appreciates your consideration of these comments and changes. 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: Senate Government and Finance Committee
Republican Caucus
OPR