



CITY MANAGER'S OFFICE

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LEGISLATIVE REVIEW COMMITTEE STAFF REPORT

Meeting: June 25, 2019

Subject

Consider adopting a position on AB 1279 (Bloom) – Planning and zoning: housing development in high resource areas

Recommended Action

Adopt a position opposing Assembly Bill 1279 and authorize the Mayor to send a letter of opposition to the State Legislature

Summary

AB 516 would require certain developments in sites in high resource areas to allow for more density and height and subjects these sites to “use by-right” approval. Specifically, this measure:

- Requires the Department of Housing and Community Development (HCD) to designate areas in this state as "high-resource areas," as defined as an area of high opportunity and low residential density that is not currently experiencing gentrification and displacement, and that is not at a high risk of future gentrification and displacement;
- Requires that a housing development project must be a use by right in any high-resource area if the development satisfies the following criteria:
 - In areas zoned only for single-family residential development, the development project consists of up to four residential units with a height of up to 20 feet. The units would have to be either affordable to households making 100% of the area median income (AMI), or sold or rented at a higher AMI if the developer pays 10% of the difference to the local jurisdiction for construction of units for households at 50% AMI or less;
 - In areas zoned for residential use that are at least one-quarter acre in size and located on a major street and/or the central business district, the development project consists of up to 40 residential units with a height of up to 30 feet. Projects with 10 or fewer units would need to meet the same affordability parameters as the projects in single-family zones. Projects of

more than 10 units would need to dedicate at least 10% of the units to households with low incomes and 5% to very low incomes;

- If the parcel exceeds one-half acre in size and located on a major street and/or the central business district, a project that had at least 25% of its units dedicated to low-income households and 25% to very-low income households would be allowed to have up to 100 residential units with a height of up to 55 feet. Such a project could receive a density bonus if it includes additional affordable units;
- No qualifying project must require the demolition of housing that is currently for rent or has been in the past ten years, or located in an environmentally unsafe or sensitive area.

Status

Passed the Assembly 46-20. Has been referred to the Senate Housing Committee, Senate Environmental Quality Committee, and the Senate Governance and Finance Committee. No hearings have yet been scheduled.

Support

According to the author, "California's housing shortage is well-documented, and it is primarily a shortage of units affordable to households at the lower end of the income spectrum. Facilitating the production of affordable housing units requires increasing allowable residential densities in many communities and creating more opportunities for multifamily development. Allowing these types of projects to be developed by right in the most exclusionary places is crucial to ensuring that they are able to proceed."

Supporters contend that AB 1279 will address exclusionary zoning practices in high-resource areas, which exacerbate economic segregation and reduce opportunities for lower-wage workers to live close to where they work. They believe the bill will facilitate mixed-income and affordable housing in high-resource, lower-density communities.

Supporters of the measure include: California Rural Legal Assistance Foundation (Sponsor), Western Center on Law and Poverty (Sponsor), Housing California, TechEquity Collaborative, and Public Advocates.

Opposition

AB 1279 would allow HCD to designate portions of the State as high-resource areas, which would then allow for developers to request that a housing development project to be a use by-right, in spite of any inconsistent provision of a city's specific plan, zoning ordinance, or regulation if it satisfied certain criteria.

This process contained in this measure could limit the City's ability to have input on proposed housing developments to ensure that they meet locally established criteria.

Opponents of the measure include: California State Association of Counties (Concerns), Urban Counties of California (Concerns), Cities Assn of Santa Clara County, and City of La Palma.

Potential Impact

Should the City be designated as a high-resource area by HCD, this bill could limit the City's ability to work with proponents of housing developments to ensure that projects meet criteria residents and elected officials.

Prepared by: Townsend Public Affairs

Attachments:

A- Draft AB 1279 Opposition Letter