



California State Association of Counties
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May 9, 2019

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

Re: SB 50 (Wiener): Planning and zoning: housing development: incentives As Amended on May 1, 2019 –
Oppose Unless Amended
Set for hearing in Senate Appropriations Committee – May 13, 2019

Dear Senator Portantino:

The California State Association of Counties (CSAC) and the Urban Counties of California (UCC) continue to have an oppose unless amended position on SB 50 by Senator Scott Wiener, which would reduce or waive certain local zoning standards in jobs- and transit-rich areas when development meets specified criteria and provide for a streamlined, ministerial approval process for neighborhood multifamily projects that meet certain criteria.

CSAC and UCC are committed to partnering with the Legislature and Administration to find policy and fiscal solutions that result in the development of housing affordable to Californians at all income levels. Longstanding policies of our organizations recognize the legitimacy of state goals for adequate housing at all income levels, which in turn are implemented through locally-adopted plans and we recognize that some of the solutions to our current housing affordability crisis may impact local land use authority. That said, while we are still reviewing the substantial amendments taken on May 1, we have concerns with several key provisions of SB 50.

Specifically, we are concerned with the bill's delegation of legislative prerogative to the executive branch to develop definitions that will dictate application of SB 50 land use provisions, the bill's interaction to housing element adequate sites requirements and other recently enacted legislation, and finally, how SB 50 fits into the planning and land use landscape at the local level—both in the context of existing local plans and the significant number of previously enacted and currently pending bills that impact local land use decision-making.

Defining Jobs-Rich Areas. SB 50 should include a specific definition of “jobs-rich area” in statute rather than deferring to the Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR). Moreover, any **jobs-rich definition** must consider context in rural and unincorporated areas where limited availability of demographic data can sometimes lead to unexpected outcomes. Limiting the discretion of the executive branch and instead explicitly identifying the factors and thresholds that will be used to designate jobs-rich areas will also reduce the state's costs in implementing this provision of SB 50. . Alternatively, the bill could direct HCD and OPR to return to the Legislature with recommendations for jobs-rich areas prior to SB 50 taking effect.

Funding to Support Sensitive Communities Planning. While we are still reviewing the amended language around sensitive communities for potential policy concerns, there will be costs to successfully implement these provisions. Many counties will have multiple areas that will qualify as “potentially sensitive communities” and “sensitive communities.” Funding must be allocated for the new regional and local planning processes, which will require

engagement at the community level and full review of the resulting plans under the California Environmental Quality Act (CEQA).

Equitable Communities Incentives. Given the massive shortage of funding available to construct housing affordable to lower-income Californians, any waivers of development standards should be designed to maximize the production of affordable housing.

Housing Element Adequate Sites. Local governments should be able to consider the capacity of development offered by an SB 50 “equitable communities incentive” when creating their inventory of sites adequate to accommodate the jurisdiction’s share of the regional housing need. **As an alternative, SB 50 could allow a streamlined process for conforming local zoning** with the provisions of SB 50. Specifically, outside of sensitive communities, local governments should be able to conform their zoning to meet the SB 50 “equitable communities incentive;” such action by the local legislative body should be considered a ministerial act. If state law overrides existing land use policies with the goal of facilitating housing, there should be a streamlined path for local agencies to meet increasingly prescriptive housing element requirements in locations where the state override applies.

Further revisions to define **major transit stop** are required. Specifically, SB 50 should include a service standard for rail transit service. There are rail stops in relatively rural unincorporated areas with very low-frequency service that should not qualify unless service is improved to provide a realistic alternative to driving.

Again, CSAC and UCC want to be partners with the Legislature in finding meaningful solutions that will substantially increase the production of housing affordable at all income levels. We look forward to continued conversations regarding our remaining concerns. Should you have any questions about our position on this measure, please do not hesitate to contact Christopher Lee (CSAC) at 916-327-7500 or clee@counties.org, or Jean Hurst (UCC) at 916-272-0010 or jkh@hbeadvocacy.com.

Sincerely,



Christopher Lee
Legislative Representative
California State Association of Counties



Jean Hurst
Legislative Advocate
Urban Counties of California

cc: The Honorable Scott Wiener, California State Senate
Members, California State Senate
Mark McKenzie, Consultants, Senate Appropriations Committee
Ryan Eisberg, Consultant, Senate Republican Caucus