



May 13, 2020

The Honorable Richard Bloom
Member, California State Assembly
State Capitol, Room 2003
Sacramento, CA 95814

**Re: AB 3107 (Bloom): Planning and Zoning: General Plan: Housing Development
As Amended on May 11, 2020 – Notice of Concerns
Set for hearing in Assembly Housing and Community Development May 20, 2020**

Dear Assembly Member Bloom,

The Urban Counties of California (UCC), the California State Association of Counties (CSAC), and the Rural County Representatives of California (RCRC) write to share our concerns with your AB 3107, which would, until January 1, 2030, mandate that a housing development in which at least 20% of the units have an affordable housing cost or affordable rent for low-income households be an authorized use on a site designated in any element of the general plan for commercial uses. UCC, CSAC, and RCRC are supportive of the goal of AB 3107, which seeks to increase the number of affordable housing units in commercial corridors near transit and jobs centers. In fact, many counties already allow multifamily residential uses within some of their commercial zones. However, we have the following concerns with the measure that we wish to work with you to resolve.

Commercial uses can vary in type and intensity with some commercial uses being more compatible with housing development than others. For instance, allowable commercial uses in unincorporated areas can include surface mining, outdoor storage, auto salvage, auto repair, hog farms, oil wells, and certain manufacturing and assembly uses. While the May 11 amendments help address this concern by defining “industrial uses” and limiting the applicability of AB 3107 to sites not *adjacent* to those industrial uses, we request that AB 3107 apply to only office or retail uses in commercial zones. This will lessen the likelihood of issues relating to incompatible uses, as well as limit applicability to zones more commonly located near transit and job centers. Along the same line, counties should be able to designate some commercial properties for exclusively nonresidential uses to ensure opportunities for economic development, especially as California looks to recover from the COVID-19 pandemic.

We also request that AB 3107 be amended to use the zoning code rather than any element in the General Plan, as counties update their zoning code on much more regular intervals. This amendment will help ensure that only the most appropriate sites are used for housing development based on the jurisdiction’s most recent housing element and update to their zoning code.

Finally, consistent with concerns we have stated on other bills seeking to provide statewide overrides to local zoning codes, we request AB 3107 be amended to allow counties to count commercial sites where AB 3107 would apply toward their regional housing needs allocation planning requirement irrespective of whether the current zoning allows for residential uses. As an alternative, the bill could be amended to provide counties with the option of a streamlined process to rezone and count such sites toward their RHNA requirements without additional CEQA review.

We look forward to working with you on the amendments proposed above. Should you have any questions about our position, please do not hesitate to contact Jean Kinney Hurst (UCC) at jkh@hbeadvocacy.com, Christopher Lee (CSAC) at clee@counties.org, or Tracy Rhine (RCRC) at trhine@rcrcnet.org.

Sincerely,



Christopher Lee
California State Association of Counties



Jean Kinney Hurst
Urban Counties of California



Tracy Rhine
Rural County Representatives of California

cc: The Honorable David Chiu, Chair, Assembly Housing and Community Development Committee
Members, Assembly Housing and Community Development Committee
Lisa Engel, Chief Consultant, Assembly Housing and Community Development Committee
William Weber, Consultant, Assembly Republican Caucus