



July 17, 2020

The Honorable Scott Wiener
Chair, Senate Housing Committee
State Capitol, Room 2209
Sacramento, CA 95814

**Re: Assembly Bill 3107 (Bloom): Planning and Zoning: General Plan: Housing Development
As Amended on May 11, 2020 - Concerns**

Dear Senator Wiener,

The California State Association of Counties (CSAC) and the Urban Counties of California (UCC) write to share our continued concerns with 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.

CSAC and UCC are supportive of the goal of AB 3107, which, similar to SB 1385 (Caballero), seeks to increase the number of affordable housing units in commercial corridors near transit and jobs centers and provide opportunities for redevelopment of underutilized commercial sites. In fact, many counties already allow multifamily residential uses within some of their commercial zones. However, we continue to have the following concerns with the measure that we wish to resolve before we can be supportive of this bill.

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 propose allowing local agencies the ability to reallocate residential capacity available pursuant to AB 3107 to alternative sites that are eligible to be included in the housing element inventory of adequate sites.

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, provided that the sites are able to accommodate residential development.

We are committed to working with the author to resolve these concerns. Should you have any questions about our position, please do not hesitate to contact Christopher Lee (CSAC) at clee@counties.org or Jean Kinney Hurst (UCC) at jkh@hbeadvocacy.com.

Sincerely,



Christopher Lee
California State Association of Counties



Jean Kinney Hurst
Urban Counties of California

cc: The Honorable Richard Bloom, California State Assembly
Members, Senate Housing Committee
Erin Riches, Chief Consultant, Senate Housing Committee
Ryan Eisberg, Consultant, Senate Republican Caucus