

CA Legislation Motion:

Motion: MOTION: The ENC urges Senator Stern, and Assemblyman Gabriel, to strongly oppose these bills: AB 725, AB 1279, AB 2345, AB-3040, AB- 3107, SB 1120, SB 1085, SB-995 and SB 902. The ENC -PLU also urges Councilman Koretz, CD5 and the L.A. City Council to lobby and vigorously oppose these listed Bills from the California Legislature.,

SB 1120:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1120

Requires local governments to magisterially permit one accessory dwelling unit and one junior accessory dwelling unit per single family parcel, subject to certain size limitations.

*Theoretically allows 4 market-rate homes where a single home now stands (theoretically it allows 8 units, if cities have local “granny flat” laws). Requires NO affordable units. Possibly opens California to speculation frenzy.**

SB 902 (by Scott Wiener):

http://www.leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB902

This bill would authorize a local government to pass an ordinance, notwithstanding any local restrictions on adopting zoning ordinances, to zone any parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria. The bill would specify that an ordinance adopted under these provisions is not a project for purposes of the California Environmental Quality Act

*Allows a majority on any city council to overturn voter-approved ballot measures that protect open space, shorelines and other lands — killing a 108-year-old California voter right. AND allows any city council to rezone “any parcel” to 10-unit luxury apartments, overriding all other zoning including single-family, and inviting gentrification into older, diverse, multi-family areas. Requires NO affordable units. Clearly opens California to speculation frenzy.**

SB 995 (by Wiener and Atkins):

https://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201920200SB995

This bill would additionally include housing projects meeting certain conditions as projects eligible for certification. The bill would extend the authority of the Governor to certify a project to January 1, 2024. The bill would revise and recast the labor-related requirements for projects undertaken by public agencies and for projects undertaken by private entities. The bill would instead specify that the time period for the final resolution of any judicial action is 270 business days after the filing of the record of proceedings with the court. The bill would provide that the certification expires and is no longer valid if the lead agency fails to approve a certified project before January 1, 2025. The bill would instead repeal the leadership act on January 1, 2025. Because the bill would extend the obligation of the lead agency to prepare concurrently the record of proceedings, this bill would impose a state-mandated local program.

*Slashes the number of affordable units' developers must build to qualify for large "fast-track" apartment complexes that get around the environmental protection law, CEQA. Currently, a "fast-track" building can ignore CEQA only if a developer offers 49% of units as affordable. SB 995 slashes the 49% to just 15%, allowing huge buildings but SEVERELY CUTTING the legislature's commitment to affordable housing. **

SB 1085 (by Nancy Skinner):

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1085

This bill would require a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based.

This bill would require a city or county to grant a density bonus and certain incentives or concessions if the developer agrees to construct a housing development that will contain a specified percentage of units for households of low or moderate incomes and for which the rent is 30% below the market rate for that city or county. The bill would require a city or county to grant one incentive or concession for a project that will contain a specified percentage of units for lower income students in a student housing development. The bill would make various changes to the above-referenced formula, including, among others, increasing the percentage density bonus to 40% for housing developments that have 11% of its units for very low-income households.

Currently, developers are rewarded a 35% increase in apartment building size — a "Density Bonus" — if 40% of the units in the building are affordable to moderate-income households.

*SB 1085 slashes to just 20% the required moderate-income units, allowing huge buildings but CUTTING IN HALF the legislature's commitment to affordable housing. **

AB 725: (by Buffy Wicks and Scott Wiener)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB725

The Planning and Zoning Law requires a city or county to adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. That law requires that the housing element include, among other things, an inventory of land suitable for residential development, to be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need determined pursuant to specified law.

This bill would require that at least ^{*}25% of a metropolitan jurisdiction's share of the regional housing need for moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing. *The bill would require that at least*

25% of a metropolitan jurisdiction's share of the regional housing need for above moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing. The bill would exclude unincorporated areas from this prohibition and would include related legislative findings. By imposing additional requirements on the manner in which a city or county may satisfy its regional housing need, this bill would impose a state-mandated local program.

*A severe threat to more than 300 cities who have not attracted enough housing to hit state-ordered growth targets known as "RHNA." AB 725 (Regional Housing Needs Allocation) would bring density and upheaval to single-family, duplex, and multi-family areas, whose residents have never even heard of "RHNA." "RHNA" was once a helpful growth-forecasting tool, but is now used as a state weapon to force excessive density on communities. **

AB 1279 (by Richard Bloom):

http://www.leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1279

This bill would require the department to designate areas in this state as high-opportunity areas, as provided, by January 12022, in accordance with specified requirements and to update those designations within 6 months of the adoption of new Opportunity Maps by the California Tax Credit Allocation Committee. The bill would

authorize a city or county to appeal the designation of an area within its jurisdiction as a high-opportunity area, as provided. In any area designated as high-opportunity area, the bill would require that a residential development project be a use by right, upon the request of a developer the project meets specified requirements, including specified affordability requirements. For certain residential development projects where the initial sales price or initial rent exceeds the affordable housing cost or affordable rent to households with incomes equal to or less than specified percentages of the area median income, the bill would require the applicant to agree to pay a , fee in an amount that would vary based on the size of the project and whether the units are ownership or rental units, as provided. The bill would require the city or county to deposit the fee into a separate fund reserved for the construction or preservation of housing with an affordable housing cost or affordable rent to households with a household income less than 50% of the area median income. The bill would provide that approval as a use by right of certain residential development projects under these provisions would expire after 2 years, unless the project receives a one-time, one-year extension, as provided.

This bill would require that the applicant agree to, and the city and county ensure, the continued affordability of rental units affordable to lower income and very low-income households for . 55 years and that the affordability of ownership units to the initial occupant of those units, as provided. The bill would provide that a residential development project is ineligible as a use by right under these provisions if, among other things, it is proposed to be located on a site that has rental housing that is currently occupied by tenants, or had rental housing occupied by tenants within the past 10 years, or is located in certain areas. The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

*If this radical bill became law, an obscure state committee would ONLY THEN identify neighborhoods as “Opportunity Zones” where 50-unit to 120-unit apartment buildings could be built, ignoring local zoning as long as affordable units are included. For developers who don’t want to provide affordable units, the bill lets them pay a woefully insufficient “in lieu” fee — then build profitable 10-unit luxury apartments. All without a single hearing. **

AB 2345 (by Lorena Gonzalez and David Chiu)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2345

(2) Existing law, known as the Density Bonus Law, requires a city or county city, county, or city and county to provide a developer that proposes a housing development within the jurisdictional boundaries of that city, county, or city and county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the

donation of land within the development, if the developer agrees to construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents and meets other requirements. Existing law provides for the calculation of the amount of density bonus for each type of housing development that qualifies under these provisions. Existing law specifies the number of incentives or concessions that an applicant can receive. Existing law *requires* that an applicant shall receive 3 incentives or concessions for projects that include at least 30% of the total units for lower income households, at least 15% for very low-income households, or at least 30% for persons or families of moderate income in a common interest development. Existing law specifies *requires* that an applicant shall receive 4 incentives or concessions for projects in which 100% of the total units are for lower income households, as specified.

This bill, instead, would authorize an applicant to receive 3 incentives or concessions for projects that include at least 30% of the total units for lower income households, at least 12% of the total units for very low-income households, or at least 30% for persons or families of moderate income in a common interest development. The bill would also authorize an applicant to receive 4 and 5 incentives or concessions, as applicable, for projects in which greater percentages of the total units are for lower income households, very low income households, or for persons or families of moderate income in a common interest development, as specified. The bill would also authorize an applicant to receive 6 incentives or concessions for projects in which 100% of the total units are for lower income households, as specified.

*Allows developers to add 50% in “Density Bonus” size to a building if they agree to provide more affordable housing units than are now required under “Density Bonus.” To create huge buildings, developers would be allowed to ignore most well-planned city controls on height, open space such as courtyards, parking, design review, building setbacks, side yards, trees, sustainable materials and other local standards. **

AB 3040 (by David Chiu):

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB3040

This bill would authorize a city or county to include in its inventory of land suitable for residential development specified sites that contain an existing single-family dwelling unit, but that the city or county has permitted, or is proposing to permit, to contain 4 dwelling units as a use by right. The bill would require these sites to be identified to satisfy either the moderate or the above-moderate income regional housing need income level. The bill would require a city or county identifying a site pursuant to these provisions to include in its housing element a description of the development standards that enable the identified

sites to be redeveloped at a higher density, as specified. The bill would authorize a city or county, instead of listing sites individually in its inventory of land suitable for residential development, to include a summary of the credits received if the list of sites is included elsewhere in the housing element.

This bill would make void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts the construction or use of up to 4 primary dwelling units on a lot zoned for at least 4 dwelling units, as specified.

*It's a "Sophie's Choice": Cities can choose to comply with AB 3040 by sacrificing single-family homes older than 15 years — think South L.A., East L.A., and diverse older suburbs — to satisfy state growth dictates known as "RHNA." (Regional Housing Needs Allocation) OR cities can refuse to comply with AB 3040 and try to meet the growth dictates by relying on the state Density Bonus program. Unfortunately, the Density Bonus program is a FAIL, preventing cities from approving even close to the number of affordable units required by "RHNA." 300 cities won't make the "RHNA" deadlines. When cities fail, a divisive and punitive law by Scott Wiener, SB 35, will let developers ignore many local zoning rules to build as they wish. **

AB 3107 (by Richard Bloom and Phil Ting):

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB3107

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

This bill, notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation, would require that a housing development be an authorized use on a site designated in any element of the general plan for commercial uses if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income households, as those terms are defined, and located on a site that satisfies specified criteria. The bill would require the city or county to apply certain height, density, and floor area ratio standards to a housing development that meets these criteria. The bill would require a jurisdiction to comply with these requirements only until it has completed the rezoning, required as described above, for the 6th revision of its housing element. The bill would repeal these provisions as of January 1, 2030.

*Wreaks height havoc by allowing tall apartments where cafés, shops or businesses now stand, even if adjacent to homes. The new apartments would contain 20% affordable units. Each city faces a different fate — the bill arbitrarily up-zones to the tallest height now allowed in commercial or residential areas ½ mile away. In L.A. it means 9-story apartments citywide. It wipes out a citywide residential 30-foot height limit in Manhattan Beach to allow 99 feet. We predict chaos. **

* Analysis done by Livable California <https://www.livablecalifornia.org/>