

## CSAC Amendments to Governor's By-Right Housing Development Proposal

### Amendments

1. Remove language giving the Department of Housing and Community Development (HCD) unprecedented authority to determine areas inappropriate for affordable housing development and the authority to develop regulations with objective criteria for making these determinations, but not actually requiring HCD to adopt regulations in order to object to local land use and zoning decisions.
2. Increase timeframes for various local government responses/approvals.
  - a. Increase the timeline from 90 to 120-days for a local government to complete design review.
  - b. Local governments should have 90-days, not 30-days as currently proposed, to respond to the project proponent as to whether the development application meets the objective planning standards, including a written explanation as to why it is inconsistent with one or more standards. Retain the "deemed consistent" remedy if the local agency fails to respond in 90-days.
  - c. The 90-day clock should begin after the project proponent has submitted a complete application. The project proponent should also be required to indicate its intent to use the by-right provisions at the time of a complete application.
3. Narrow the scope in which the by-right approval applies to ensure projects are truly infill. As currently drafted, the term "urban uses" is too broad and includes *any* residential or non-residential uses at any density. CSAC supports the existing definition of urbanized areas within existing by-right statute (Government Code §65584.9) which reads:
 

*Urbanized area defined in Section 21071 of the Public Resources Code or within a census designated place with a population density of at least 5,000 persons per square mile or, if the attached housing development consists of 50 or fewer units, within an incorporated city with a population density of 2,500 persons per square mile and a total population of at least 25,000 persons.*
4. Increase the required land use restrictions from 30 years to 55 years to be consistent with federal requirements since many affordable housing projects are funded at least in part by federal resources.
5. Ensure that the Coastal Act still applies to sites that are in the coastal zone but otherwise qualify for the by-right approval.

*Nothing in this section shall be construed to relieve the public agency from complying with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code.*

**Comment [KV1]:** There is a lot of support in the Administration and Legislature for timelines for local actions. We could alternatively ask for "no timeline" but we assume this will be rejected by the Administration. Is 120-days more reasonable? How much time do counties need for design review? Please provide justification/examples if more time is needed.

**Comment [KV2]:** An alternative is to maintain the 30-day timeline to respond but eliminate the "deemed consistent" remedy from the proposal. Reactions from counties on these options? Is 90-days enough to review for consistency and respond to a developer?

6. Provide \$100 million for a competitive grant program administered by the Governor's Office of Planning and Research (OPR) for cities and counties to update local General Plans, Housing Elements, and zoning codes with a focus on meeting statewide housing and climate goals. GPs need to be 10-years or older to qualify. Delay implementation in these areas until GP update is complete.
7. Provide for \$300 in housing tax credits or other General Fund support for the construction of affordable housing that is consistent with local general plans, zoning codes and the region's Sustainability Communities Strategy or other compatible GHG reducing regional transportation plan.
8. Require developers to report to OPR when they inform a local government they intend to use the by-right approval process. Require OPR to report to the State Legislature after 2-years after full implementation of the by-right proposal including how often it was used, estimated cost savings due to the expedited local review process, and how many additional units the program helped facilitate.
9. Require the Governor's Office of Planning and Research, in consultation with counties (and cities), to develop guidance on "objective planning standards" that local governments can use to guide the development of upfront development standards that implement the by-right housing proposal.

**Comment [KV3]:** Are there other local plans or processes that could benefit from updating such as specific plans? What about "objective standards" for design review?

**Comment [KV4]:** Is this the right age to warrant funding to update GPs?

**Comment [CL5]:** Would it also make sense to limit eligibility of the grant program on plans covering areas that qualify under the Government Code §65584.9 criteria?

**Comment [KV6]:** Are there other programs we should request funding for that counties support? For instance, the Assembly Democrats' plan would invest \$650 million in to various existing housing programs such as the Multi-Family Housing Program, Local Funding Grants for Workforce Housing, and the Emergency Shelter Grant Program to name a few.

**Comment [KV7]:** CSAC staff has received a lot of questions from counties with respect to the idea of an upfront process where objective design review criteria are known to the applicant before it submits an application. Can counties share with staff what their design review process entails now? Do counties also provide upfront objective standards and are they comprehensive of all the factors that are considered in the design review process? If not, what is a part of design review that is always discretionary? Would OPR guidance be helpful or is broad language in statute preferred to give counties maximum flexibility?