



Contra
Costa
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: April 26, 2022

Subject: AB 2295 (Bloom) Local educational agencies: housing development projects - Oppose Unless Amended

RECOMMENDATION(S):

ADOPT an "Oppose Unless Amended" position on Assembly Bill 2295 (Bloom), a bill that would require a qualified housing development on land owned by a local educational agency, charter school, or office of education, be an authorized use if the housing development complies with certain conditions, as recommended by the Legislation Committee.

FISCAL IMPACT:

None.

BACKGROUND:

The Legislation Committee heard this item at its April 11, 2022 meeting and directed that it be brought to the full Board of Supervisors recommending a position of "Oppose Unless Amended".

Contra Costa's adopted [2021-22 State Legislative Platform](#) includes the following policy relevant to the subject bill:

Land Use/Community Development/Natural Resources: MAINTAIN local agency land use

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **04/26/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 26, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: John Cunningham,
(925) 655-2915

By: June McHuen, Deputy

cc:

authority.

Measure: [AB-2295](#)

Lead Bloom (A)

Authors:

Coauthors: Robert Rivas (A)

Topic: Local educational agencies: housing development projects

31st Day in 3/19/2022

Print:

Title: An act to add Article 6 (commencing with Section 17505) to Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education Code, relating to housing.

BACKGROUND: (CONT'D)

House Location: Assembly
Last Amended Date: 3/29/2022
Committee Location: Assembly Housing and Community Development
Committee Hearing Date: 4/20/2022

The bill provides that a housing development project must be deemed an authorized use on any real property owned by a local educational agency (LEA) if it meets specified affordability criteria and planning standards. (From the 4/1/2022 bill analysis)

LEA's currently have well known exemptions from local regulations for constructing educational facilities. The subject bill would effectively extend those exemptions to cover the construction of housing (with restricted occupancy and income criteria as defined in the bill). This would allow school districts, the County Office of Education, or charter schools to develop property as housing outside the County's voter approved (Measure L-2006) urban limit line (ULL), "...even if that is inconsistent with any provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation." (From the 4/1/2022 bill analysis)

This is in conflict with the Board's adopted legislative platform which includes, "*MAINTAIN local agency land use authority.*" and a central component of the County's growth management strategy which is the Urban Limit Line (originally passed in 1990 and reaffirmed in 2006). In addition to the conflicts with local regulation, the bill is in conflict with the State's greenhouse gas reduction legislation (AB 32 [2006], SB 375 [2008], SB 743 [2013], et al), which have a goal of more compact development to reduce vehicle miles traveled and land consumption.

While the limitations on extending services to any parcels outside the ULL will ultimately be a significant constraining factor, staff believes that asserting local land use authority through the ULL is preferable to relying on these other constraints that are outside of the County's direct control.

The following is an inventory of school district owned land outside the ULL:

Parcel #	Owner	ACREAGE
075051013	ANTIOCH UNIFIED SCHOOL DIST	11.89
365020018	BRIONES VALLEY SCHOOL DISTRICT	0.582
002010026	BYRON UNION SCHOOL DISTRICT	28.57
002010027	BYRON UNION SCHOOL DISTRICT	7.43
002010047	BYRON UNION SCHOOL DISTRICT	1.73
257070008	CANYON ELEM SCHOOL DIST	1
354201005	CARQUINEZ SCHOOL DISTRICT	1.9
015170028	KNIGHTSEN ELEM SCHOOL DIST	19.97
011210026	LIBERTY UNION HIGH SCHOOL DIST	26.05
011210027	LIBERTY UNION HIGH SCHOOL DIST	23.95
018310011	LIBERTY UNION HIGH SCHOOL DIST	36.81
018310012	LIBERTY UNION HIGH SCHOOL DIST	9.52
018310013	LIBERTY UNION HIGH SCHOOL DIST	10.03
018310014	LIBERTY UNION HIGH SCHOOL DIST	18.57
011210028	LIBERTY UNION SCHOOL DIST	14.1

In considering this potential expansion of land use authority for school districts it is useful to consider the related issue of incorporating land use planning principles and interagency coordination into school siting.

- In 2012, the Department of Education (DOE) launched a significant process to reform their school siting guidelines in response to AB32 (2006), and SB375 (2008). There was a "summit" at the start of the process that stressed the need for the DOE to have policies consistent with the new, GHG reduction paradigm. The DOE subsequently conducted hearings and initiated public outreach. The process stopped several years later with no explanation or announcement. Inquiries to the state have either gone

unanswered or were responded to with limited information. The school siting guidelines were never updated.

- At the local level, the County has engaged on local school district issues on several occasions to ensure that transportation safety, access, land use compatibility, and environmental law were adequately addressed with the purchase of and development of new school sites.

Considering the challenges experienced with the development of land central to their core mission, educating youth, expanding authority to include housing development raises concerns.

Staff recommends that the Board of Supervisors send a letter to the author (attached) expressing support for the concept due to the acute housing crisis but also requesting an amendment that would exclude areas outside a local jurisdiction's voter-approved or Board/Council-adopted urban limit line, urban growth boundary, urban service area, urban development boundary, urban/rural boundary, or the equivalent and to engage like-minded organizations in order to build a coalition in support of this position.

Registered Support/Opposition

California State Association of Counties is engaged on the bill but has not yet established a position.

Support

CityLab - UCLA (Sponsor)

Landed

Los Angeles Unified School District

SPUR

Terner Center for Housing Innovation at the University of California, Berkeley

East Bay for Everyone

SV@Home Action Fund

Support If Amended

California School Boards Association

Opposition

Oppose Unless Amended

State Building & Construction Trades Council of California

California State Pipe Trades Council

Coalition of California Utility Employees

International Union of Elevator Constructors, Local 18

International Union of Elevator Constructors, Local 8

Western States Council Sheet Metal, Air, Rail and Transportation

Inventory of Growth Boundaries

Staff could not find a definitive list of the various types of growth boundaries in California. The following is a partial list compiled by the Greenbelt Alliance:

Alameda County: Alameda County, Dublin, Fremont, Hayward, Livermore, Pleasanton

Contra Costa County: Antioch, Contra Costa County, Danville, El Cerrito, Hercules, Martinez, Oakley, Orinda, Pinole,

Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek

Marin County: Marin County, Novato Napa County: American Canyon, Napa, St. Helena, Yountville

San Mateo County: San Mateo County

Santa Clara County: Cupertino, Gilroy, Los Gatos, Milpitas, Morgan Hill, Palo Alto, San Jose

Solano County: Benicia, Fairfield, Rio Vista, Vallejo, Vacaville

Sonoma County: Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, Windsor

Beyond the Bay Area: Solvang, Winters

CONSEQUENCE OF NEGATIVE ACTION: There is currently no opposition to AB 2295 that cites loss of local land use authority or the undermining of coherent land development patterns as a concern. If the recommended action is not taken, the bill could pass, undermining the County's decades long growth management effort. In addition, it would be reasonable to expect secondary, unintended consequences of the bill related to longer term land speculation and development through the formation of developer/school district partnerships to proactively use this new authority.

ATTACHMENTS April 2022 Ltr-BOS to AM_BloomREAB2295 school housing