



Agenda Date: 4/17/2017

Agenda Placement: 7A

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Napa County Legislative Subcommittee Board Agenda Letter

TO: Napa County Legislative Subcommittee
FROM: Molly Rattigan - Deputy County Executive Officer
County Executive Office
REPORT BY: Molly Rattigan, Deputy County Executive Officer - 253-4112
SUBJECT: 2017 Housing Bills

RECOMMENDATION

Staff requests discussion and possible action on the following housing related bills:

- | **AB 1350 (Friedman) Land Use/Housing Element:** Regional Housing Need-Non Compliant cities and counties penalty.
- | **AB 1397 (Low) Local Planning Housing Element:** Inventory of Land for Residential Development
- | **AB 1404 (Berman) California Environmental Quality Act:** Categorical Exemption: Infill Development
- | **AB 1585 (Bloom) Planning and Zoning:** Affordable Housing Single Application
- | **SB 167 (Skinner) Housing Accountability Act:** Approval Process of Affordable Housing Development Projects

EXECUTIVE SUMMARY

The Legislative Subcommittee requested staff review bills introduced in the State Legislature related to housing and identify those bills that may be of interest or concern to Napa County. Given the large number of bills, staff has identified five bills that may have the most significant impact on Napa County:

- | **AB 1350 (Friedman) Land Use/Housing Element:** Regional Housing Need-Non Compliant cities and counties penalty.
- | **AB 1397 (Low) Local Planning Housing Element:** Inventory of Land for Residential Development
- | **AB 1404 (Berman) California Environmental Quality Act:** Categorical Exemption: Infill Development
- | **AB 1585 (Bloom) Planning and Zoning:** Affordable Housing Single Application
- | **SB 167 (Skinner) Housing Accountability Act:** Approval Process of Affordable Housing Development Projects

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Legislative Subcommittee requested staff review bills introduced in the State Legislature related to housing and identify those bills that may be of interest or concern to Napa County. Staff has identified 32 bills that may be of interest to or impact Napa County directly. The list is attached for review.

Given the large number of bills, staff has identified five bills that may have the most significant impact on Napa County. While staff will continue to monitor all 32 bills and bring back those that progress through the legislative process when appropriate, staff is seeking discussion and possible action by the Legislative Subcommittee on the following:

AB 1350 (Friedman) Land Use/Housing Element

Current law requires a city or county to adopt a general plan that includes a housing element. The housing element contains an assessment of the city's or county's housing needs and an inventory of resources or constraints relevant to meeting those needs. Current law also requires that assessment to include the city's or county's share of the regional housing need, as determined by the Department of Housing and Community Development in consultation with each council of governments. This bill would require a noncompliant city or county (defined as not meeting at least 1/3 of its share of the regional housing need for low-income and very low-income before January 1, 2021) to pay a penalty to HCD. The bill would establish the Regional Housing Needs Assessment Compliance

Fund to distribute grants to compliant cities. This bill would prohibit a noncompliant city or county from collecting established fees, imposing new fees, and from requiring the payment of building permit fees.

Rural County Representatives of California (RCRC) position: Watch
California State Association of Counties (CSAC) position: Pending

AB 1397 (Low) Local Planning Housing Element

Existing law requires the housing element to contain, among other things, an inventory of land suitable for residential development, including vacant sites with potential for redevelopment. This bill would revise the inventory of land suitable for residential development to include vacant sites and sites that have realistic and demonstrated potential for redevelopment to meet a portion of the locality's housing need by income level.

RCRC position: Watch
CSAC position: None

AB 1404 (Berman) California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires a lead agency to prepare and certify the completion of an environmental impact report on a project that it proposes to carry out, or approve, that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have an effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA required the Office of Planning and Research to prepare and develop, and the Secretary of Natural Resources Agency to certify and adopt guidelines for the implementation of CEQA. Existing guidelines for the implementation of CEQA exempts from the requirements of CEQA infill development meeting certain requirements, including the requirement that the proposed development occurs within city limits. This bill would expand this exemption to include proposed developments occurring within the unincorporated area.

RCRC position: Support
CSAC position: Support

Registered Support: American Planning Association (CA Chapter), California Association of Realtors, Urban Counties of California.

Registered Opposition: None on file.

AB 1585 (Bloom) Planning and Zoning

This bill would establish in each city and county an affordable housing zoning board and procedures by which housing developers proposing to build or include affordable housing, could submit to the board a single application for a comprehensive conditional use permit or other discretionary permit. The bill would require the Department of Housing and Community Development to establish a housing appeals committee and establishes procedures by which an applicant for a comprehensive permit could appeal the decision of a local affordable housing zoning board. The bill would limit the review of the committee to whether in the case of denial, the decision was unreasonable and not consistent with local needs or whether the conditions imposed were infeasible.

RCRC position: Watch
CSAC position: None

SB 167 (Skinner) Housing Accountability Act

The Housing Accountability Act, among other things, prohibits a local agency from disapproving or conditioning

approval in a manner that renders infeasible, a housing development project for very low-, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on substantial evidence in the record. This bill would require the findings of a local agency to instead be based on clear and convincing evidence in the record.

RCRC position: Oppose

CSAC position: Oppose

Registered Support: California Apartment Association, San Francisco Housing Action Coalition

Registered Opposition: Urban Counties of California, American Planning Association (California Chapter)

SUPPORTING DOCUMENTS

- A . List of Housing Bills-Napa County
- B . AB 1350
- C . AB 1397
- D . AB 1404
- E . AB 1585
- F . SB 167

Recommendation: Approve

Reviewed By: Molly Rattigan