



SAN FRANCISCO PLANNING DEPARTMENT

To: Planning Commission
From: AnMarie Rodgers, Director Citywide
Subject: 2020 State Legislation
Date: May 21, 2020

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This memo briefly outlines the California state legislative cycle, the mechanisms of engagement for the City and County of San Francisco and two attachments: a listing of some of the many pending state bills that pertain to planning and land use and a package of housing bills announced via press on May 21, 2020 (yesterday) by the Speaker Pro Tempore Atkins.

The State Legislative Cycle. The California State Legislature operates on a two-year cycle. We are currently in the second year, with bills that were introduced in 2019 advancing through the process this year. At the beginning of 2020, more than 60 bills related to land use, development, and CEQA had been introduced. Many of these bills will not advance through the process. Since the global pandemic, the Legislature focused largely on Covid-19 related bills. Bills currently being considered in their policy committees have until May 29 to be passed out of Committee. June 19 is the last day for bills to pass in their house of origin. The attached list of bills are those that were active at the beginning of the year. Where the State has produced an analysis, links are included. Note many bills had no analysis as of the date that this memo was prepared. On May 20, 2020 California Senate President Pro Tempore released a package of housing bills intended to “bolster housing production and strengthen economic viability”. See attached press release.

City & County of San Francisco Engagement. In a normal legislation season, the City & County of San Francisco has three paths to monitor and influence state legislation. The Mayor, as the elected chief executive of our local government, has the authority to speak on behalf of the San Francisco’s interests. A majority vote by the City’s elected legislative body, the Board of Supervisors, can set city policy through the passage of a resolution. A third body, the State Legislation Committee is empowered by the San Francisco Administrative Code to make recommendations for endorsement, opposition, or neutrality of legislation pending before the State Legislature that would affect the City. This Committee is comprised of the following elected officials or their alternate: the Mayor; two members of the Board of Supervisors, appointed by the President of the Board of Supervisors; the City Attorney; the Treasurer; and the Assessor. The Controller, appointed to 10-year terms, also serves on the committee. In the fall, the City’s State Legislation Committee identifies legislative priorities that are endorsed by a vote of the Committee. The Mayor’s Director of Legislation is empowered to coordinate with the City’s lobbyists on behalf of the Mayor; a majority votes by the Board of Supervisors; or action by the State Legislation Committee. The lobbyists seek to advance the City’s interests via the Governor, the Assembly and Senate members, as appropriate. During the legislative session, the City’s State Legislation Committee meets monthly to review recommendations from City agencies and approve official City positions on specific bills. All actions of the State Legislative Committee are conveyed to the Board of Supervisors. The Board’s legislative actions set the ultimate policy for San Francisco.

Attachment A: Partial List of State Bills Pertinent to Planning and Land Use

Attachment B: May 20, 2020 Senate Leaders Press Release “Housing Production Legislation”

Bill #	Sponsor	Title	link to State analysis (if any as of May 20, 2020)
Assembly bills			
AB 725	Wicks	General Plans: Housing element: moderate-income and above moderate-income housing: suburban and metropolitan jurisdictions	1/24/20 Assembly Floor Analysis
* AB 1907		CEQA: emergency shelters: supportive and affordable housing: exemption	5/11/20 Assembly Natural Resources
AB 1924	Grayson	Housing development: fees.	none
AB 1934	Voepel (R)	Planning and zoning: affordable housing: streamlined, ministerial approval process.	none
AB 2137	Wicks	Planning and Zoning Law: court orders: housing development projects.	none
* AB 2168	McCarty	Planning and zoning: electric vehicle charging stations: permit application: approval.	none
AB 2224	Mayes	Redevelopment: housing successor: Low and Moderate Income Housing Asset Fund	none
AB 2344	Gonzalez (D)	Housing: affordable and market rate units.	none
* AB 2345	Gonzalez (D)	Planning and zoning: density bonuses: affordable housing.	5/18/20 Assembly Housing and Community Development
* AB 2405	Burke	Housing: Children and families	5/18/20 Assembly Housing and Community Development
* AB 2406	Wicks	Wicks Rental registry online portal.	5/18/20 Assembly Housing and Community Development
* AB 2421	Quirk	Land Use: permitting Wireless Communications	5/8/20 Assembly Local Government
AB 2470	Kamlager	Splitting multifamily dwelling units: streamlined ministerial approval.	none
AB 2577	Chiu	Env Protection: vulnerable population identification	none
* AB 2580	Eggman (D)	Conversion of motels and hotels: streamlining.	5/18/20 Assembly Housing and Community Development
AB 2662	Rubio, Blanca	Affordable housing cost study	none
AB 2700	Friedman	Solar energy systems	none
AB 2722	McCarty	Development fees and charges; deferral	none
AB 2743	McCarty (D)	California School Employee Housing Assistance Pilot Program.	none
AB 2829	Ting (D)	Property taxation: welfare exemption: rental housing: moderate-income housing.	none
AB 2837	Quirk-Silva (D)	UNITY Act: affordable housing software.	none
AB 2843	Chu (D)	Local employer affordable housing fees: Affordable Housing Assistance Fund.	none
* AB 2852	Mullin (D)	Public employee housing: local agencies.	none

Bill #	Sponsor	Title	link to State analysis (if any as of May 20, 2020)
AB 2922	Gray	Community Development Tax Credit Program: community development corporations: allocations: income taxation: credits	none
* AB 2988	Chu (D)	Planning and zoning: supportive housing: number of units: emergency shelter zones.	5/18/20 Assembly Housing and Community Development
* AB 2991	Santiago (D)	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011.	5/11/20 Assembly Natural Resources
AB 3009	Mullin	Redevelopment: successor agencies: administrative cost allowance	none
* AB 3051	Diep (R)	Environmental quality: California Environmental Quality Act: housing developments	none
* AB 3054	Salas (D)	California Environmental Quality Act: judicial challenge: litigation transparency: identification of contributors.	none
* AB 3077	Santiago (D)	Residential real property: tenancy: termination: withdrawal of accommodations.	none
* AB 3107	Bloom (D)	Planning and zoning: general plan: housing development.	5/18/20 Assembly Housing and Community Development
AB 3122	Santiago (D)	Housing element: emergency shelters, temporary housing, and supportive housing.	none
AB 3144	Grayson (D)	Housing Cost Reduction Incentive Program.	none
AB 3145	Grayson (D)	Local government: housing development projects: fees and exactions cap.	none
AB 3146	Bonta (D)	Housing data: collection and reporting.	none
AB 3147	Gabriel (D)	Fees for Development Projects	none
AB 3148	Chiu (D)	Planning and zoning: density bonuses: affordable housing: fee reductions.	none
* AB 3154	Rivas	Sr Citizen intergenerational housing development	none
* AB 3155	Rivas, Robert D	Subdivision Map Act: small lot subdivisions.	5/18/20 Assembly Housing and Community Development
AB 3156	Rivas (D)	Coastal resources: coastal development permits: affordable housing.	none
AB 3157	Berman (D)	Department of Housing and Community Development: regional housing need allocation: low-income community college students.	none
AB 3173	Bloom (D)	Microunit Buildings	none

	Bill #	Sponsor	Title	link to State analysis (if any as of May 20, 2020)
*	AB 3205	Salas	Regions Rise Grant Program	5/12/20 Assembly Jobs, Economic Development, and the Economy
*	AB 3234	Gloria	Subdivision Map Act	5/8/20 Assembly Local Government
*	AB 3308	Gabriel (D)	School districts: employee housing.	5/18/20 Assembly Housing and Community Development
*	AB 3352	Friedman (D)	State Housing Law: enforcement response to complaints	5/18/20 Assembly Housing and Community Development
*	AB 1851	Wicks (D)	Religious institution affiliated housing development projects: parking requirements.	5/8/20 Assembly Local Government
	Senate bills			
*	SB 795	Beall	Economic Development: housing: workforce development: climate change infrastructure	none
*	SB 899	Wiener (D)	Planning and Zoning: Housing Development: nonprofit hospitals or religious institutions	none
*	SB 902	Wiener (D)	Planning and zoning: neighborhood multifamily project: use by right: density	none
	SB 906	Skinner (D)	Housing: joint living and work quarters and occupied substandard buildings or units.	none
	SB 1015	Skinner (D)	Keep Californians Housed Assistance Fund.	none
	SB 1017	Portantino (D)	School facilities: proceeds from sale or lease of surplus property: affordable rental housing facilities.	none
*	SB 1079	Skinner (D)	Residential property: foreclosure	none
*	SB 1085	Skinner (D)	Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.	none
*	SB 1088	Rubio	Housing: domestic violence survivors.	none
	SB 1120	Atkins (D)	Subdivisions: tentative maps.	none
*	SB 1138	Wiener (D)	Housing element: emergency shelters: rezoning of sites	none
*	SB 1258	Stern	California Climate Technology and Infrastructure Financing Act	5/16/20 Senate business, professions and economic development
*	SB 1385	Caballero	Local planning: housing: commercial zones.	none



FOR IMMEDIATE RELEASE

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Senate Leaders Detail Housing Production Legislation Intended to Increase Supply, Aid California’s Economic Recovery

SACRAMENTO – In an effort to spur affordable housing production and aid California’s economic recovery due to the COVID-19 crisis, Senate Democrats unveiled a package of legislation today intended to bolster production of new housing and remove existing barriers by further streamlining the development process.

The package of bills will lead to more construction jobs and apprenticeships opportunities that will strengthen the economic viability of working families and the state. These bills are the product of four months of work by a group of lead Democratic Senators designated by Senate President pro Tempore Toni G. Atkins (D-San Diego) including Senators Mike McGuire (D-Healdsburg), Anna M. Caballero (D-Salinas), María Elena Durazo (D-Los Angeles), Lena A. Gonzalez (D-Long Beach), Jerry Hill (D-San Mateo), Richard D. Roth (D-Riverside), and Susan Rubio (D-Baldwin Park).

This package of bills builds on a foundation of work by the Senate Housing Committee Chair, Senator Scott Wiener (D-San Francisco), who set the stage with his passionate approach to housing policy and focus on spurring production.

“At the start of the year, my colleagues and I committed to developing a comprehensive, successful approach to housing production. We remain dedicated to that goal, but due to COVID-19 and the economic fallout that has accompanied it, we must pivot our approach,” Atkins said. “This package of legislation would make more housing production possible generating high wage jobs for skilled construction workers, even while we continue to work through the new realities and uncertain times caused by the pandemic and economic downturn. And it positions California to leap forward exponentially on affordable housing as times get better.”

“California had a housing crisis before this pandemic and the need is even greater now with the virus ravaging the earnings of working families and the most vulnerable. The Senate’s housing package focuses on desperately needed relief for renters, ushers in innovative solutions to spur smart development by expediting the transition of dead and dying malls and it advances small-scale infill development. Senate President pro Tempore Atkins has worked day and night on this package, ushering in bold solutions that will have a positive impact in every corner of the Golden State,” said McGuire.

The Senate Housing Production Package includes five bills, which are scheduled to be heard in committees next week, as well as the Senate proposal that would create a renter/landlord stabilization program that would enable agreements between renters, landlords, and the state to resolve unpaid rents over a limited time period.

The housing production package includes the following bills:

- **SB 902 (Wiener)** – This bill allows local governments to pass a zoning ordinance that is not subject to CEQA for projects that allow up to 10 units, if they are located in a transit-rich area, jobs-rich area, or an urban infill site. **As proposed to be amended on May 20, 2020.*

“The Senate came together to produce an impactful housing package that will lead to more housing for Californians. We face a multi-million home shortage that is driving people into poverty and homelessness, increasing carbon emissions, driving young people out of our state, and forcing people into multi-hour commutes. We must change course and prioritize new housing,” said Wiener. “This legislative package, building on our work over the past few years, is a strong step forward. To be clear, more work remains in coming years – we won’t solve our housing crisis in one year – but this package is progress, and I’m proud to author or co-author these bills.”

- **SB 995 (Atkins)** – This bill would expand the application of streamlining the CEQA process to smaller housing projects that include at least 15 percent affordable housing. It also would broaden application and utilization of the Master Environmental Impact Report (MEIR) process, which allows cities to do upfront planning that streamlines housing approvals on an individual project level. The bill would extend and expand a program that has generated 10,573 housing units and created nearly 47,000 jobs since 2011.
- **SB 1085 (Skinner)** – This bill would enhance existing Density Bonus Law by increasing the number of incentives provided to developers in exchange for providing more affordable housing units.

“We have to take smart and focused action now so that COVID-19-imposed economic hardships don’t make California’s housing crisis far worse. SB 1085 offers needed improvements to California’s density bonus law so that we can achieve real increases in the construction of very affordable units and moderately priced units for the ‘missing

middle’: teachers, nurses, firefighters who can’t afford today’s market-rate prices,” said Skinner.

- **SB 1120 (Atkins)** – This bill would encourage small-scale neighborhood development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot in all residential areas. Such applications would be required to meet a list of qualifications that ensure protection of local zoning and design standards, historic districts, environmental quality, and existing tenants vulnerable to displacement.
- **SB 1385 (Caballero)** – This bill would unlock existing land zoned for office and retail use and allow housing to become an eligible use on those sites. It also would extend the state’s streamlined ministerial housing approval process to office and retail sites that have been vacant or underutilized for at least three years.

“Every year, the nation witnesses the closure of brick and mortar retailers – anchor tenants at large shopping malls, small strip malls, and large standalone ‘big-box’ retail stores – because of the shift to shopping on the Internet. This change in consumer behavior leaves California’s communities with vacant and underutilized retail locations, unused real estate at a time when the state faces an astronomical housing shortage,” said Caballero. “SB 1385 helps the market to catch up with this real world reality by authorizing the adaptive reuse of these vacant parcels into desperately needed residential development. The bill will expand California’s housing production in the same commercial centers where people shop, get their haircut, and buy other goods and services. This reduces travel by vehicles, and creates an opportunity for some Californians to become owners, and lower the cost of housing for renters, by increasing supplies.”

“I appreciate the hard work of my colleagues, and that of all Senators who offered their thoughts and perspective as we developed this important package. Our continued collaboration will be essential in the months ahead,” Atkins said.

Senators who have been working on the housing production package characterized the bills as critical solutions for California’s housing shortage.

Senator Richard Roth: “I applaud Senate President pro Tempore Atkins for her leadership in tackling the housing shortage and lack of affordability in California. We must ensure that housing is built where people need it and that it’s accessible to California families.”

Senator Jerry Hill: “The proposals unveiled today leverage existing resources and statutes to provide creative solutions to California’s urgent need for housing. In addition, the housing production package provides new, streamlined steps that can be taken now while also positioning California for accelerated and expanded housing production as we recover. The proposals address the need for affordable, multi-family housing and take into account different ways that it can be created, including building smaller projects and pursuing developments that align with local density, height, setback and environmental standards. These strong and smart proposals enable California to move forward as well as build for the future.”

Senator Lena A. Gonzalez: “I would like to applaud the leadership of Senate President pro Tempore Toni G. Atkins on assembling the Senate housing production workgroup and crafting, in coordination with this workgroup, key policies to solve our housing and homelessness crisis. This housing production package represents months of conversations with various stakeholders from across the state and a balanced effort to fit the needs of our diverse communities. More housing production is key to overcoming the homelessness crisis. This legislation is essential now more than ever as our communities are struggling to keep themselves housed during and beyond the COVID-19 pandemic. It is an honor to join my colleagues in helping solve one of the toughest challenges California faces.”

Senator Susan Rubio: “I am proud to have worked with Senate President pro Tempore Atkins and Senate colleagues to find real solutions to tackle the housing crisis. We met with key stakeholders, labor leaders, housing rights’ advocates, and builders, to find a balanced approach to increase housing production. As a former councilwoman, I ensured the voices of local leaders were heard and their concerns for local control were included in these proposals as best as possible. The COVID-19 pandemic has been another reminder that building housing – especially affordable housing – is more important than ever.”

Senator María Elena Durazo: “I’d like to thank Senate President pro Tempore Atkins for including a comprehensive approach to CEQA that streamlines the review of projects that bring affordable housing and good jobs to California. This bill shaves months to years off project timelines by removing administrative red tape and expediting judicial review of CEQA litigation. The core provisions have been used in large projects. They should be used for housing as well. This bill retains fundamental environmental protections and helps solve the housing crisis at the source by paying good wages to workers that build our homes. SB 995 is good for low-income renters, construction workforce, home builders and the environment, and will usher in housing for both big and small cities.”

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Toni G. Atkins is President pro Tempore of the California Senate. Having previously served as Speaker of the California Assembly, she began her tenure in the Senate in 2016. As Senator for District 39, she represents the cities of San Diego, Coronado, Del Mar and Solana Beach. Website of President pro Tempore Toni G. Atkins: www.senate.ca.gov/Atkins