

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, Hill. Principal Coauthors: Berman, Chiu, Mullin, Ting, Wiener  
General Subject: Planning and zoning: housing development: City of Brisbane.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing.

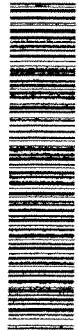
This bill, with respect to a specified housing development project located in the City of Brisbane, would require that the project be subject to a streamlined, ministerial approval process, as provided, and not be subject to a conditional use permit, based on specified objective planning standards. The bill would require the City of Brisbane to notify the development proponent in writing if the city determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development would be deemed to comply with those standards. The bill would require the city to specify any actions or modifications necessary to bring the project into compliance with those standards and prohibit the city from disapproving the project. The bill would prohibit the city from imposing parking standards or requirements on the project, as provided. The bill would provide that if the city approves the project pursuant to that process, that approval would remain valid for 5 years, unless the project receives a one-year extension, so long as vertical construction of the project has begun and is in progress, but would provide that the approval would not expire if the project includes investment in housing affordability. The bill would prohibit the city from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions. By imposing new duties on local officials with respect to the approval of a development project, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Brisbane.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



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An act to add Section 65913.5 to the Government Code, relating to housing.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) In 2006 the Legislature passed, and the Governor signed, Assembly Bill 32 (Chapter 488 of the Statutes of 2006; hereafter AB 32), which required the reduction of greenhouse gas emissions in California to 1990 levels no later than 2020. According to the State Air Resources Board, in 1990 greenhouse gas emissions from automobiles and light trucks were 108 million metric tons, but by 2004 these emissions had increased to 135 million metric tons.

(b) In 2008, the Legislature passed, and the Governor signed, Senate Bill 375 (Chapter 728 of the Statutes of 2008; hereafter SB 375). Among other things, SB 375 mandated the preparation of a regional land use plan, known as a sustainable communities strategy, as a component of each federally mandated regional transportation plan capable of modeling a region's projected greenhouse gas emissions relative to reduction targets for those emissions specified by the State Air Resources Board according to procedures established by SB 375. With the enactment of SB 375, the Legislature expressly linked consideration of greenhouse gas emissions with regional land use planning.

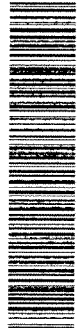
(c) In 2016, the Legislature passed, and the Governor signed, Senate Bill 32 (Chapter 249 of the Statutes of 2016; hereafter SB 32). SB 32 advanced the emission reduction mandate originally established in AB 32, requiring a reduction of greenhouse gas emissions in California to 40 percent of 1990 levels no later than 2030.

(d) California is experiencing an extreme housing shortage with 2.2 million extremely low income and very low income renter households competing for only 664,000 affordable rental homes. This leaves more than 1.54 million of California's lowest income households without access to affordable housing.

(e) California is home to 21 of the 30 most expensive rental housing markets in the country, which has had a disproportionate impact on the middle class and the working poor. California requires the third highest wage in the country to afford housing, behind Hawaii and Washington, D.C. The fair market rent, which indicates the amount of money that a given property would require if it were open for leasing, for a two-bedroom apartment is \$1,386. To afford this level of rent and utilities without paying more than 30 percent of income on housing, a household must earn an hourly "housing wage" of \$26.65 per hour. This means that a person earning minimum wage must work an average of three jobs to pay the rent for a two-bedroom apartment. In some areas of the state these numbers are even higher.

(f) This year Forbes Magazine ranked San Francisco fourth on its "20 Least Affordable Places to Live in the U.S." San Mateo County ranked 11th.

(g) Investment in housing creates jobs and provides local benefits. The estimated one-year impacts of building 100 rental apartments in a typical local area include \$11.7 million in local income, \$2.2 million in taxes and other revenue for local governments, and 161 local jobs or 1.62 jobs per apartment. The additional annually recurring impacts of building 100 rental apartments in a typical local area include \$2.6 million in local income, \$503,000 in taxes and other revenue for local governments, and 44 local jobs or 0.44 jobs per apartment.



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(h) With the adoption of SB 375, the Legislature intended to assess and address the greenhouse gas implications of land use decisions, including the provision of housing, on a regional level.

(i) There are a few, select projects in the state with the potential to materially affect in a positive way both a region's housing deficit and its greenhouse gas reduction strategies, one of which is the Baylands project proposed by Universal Paragon Corporation in the City of Brisbane.

(j) As proposed in a draft specific plan submitted to the City of Brisbane by Universal Paragon Corporation in 2011, the Baylands project includes 4,400 housing units and 7 million square feet of commercial space, including neighborhood-serving retail, high-technology office space, research labs, and extensive open space amenities.

(k) It is estimated that the Baylands project would result in over 20,000 new jobs, including 5,000 long-term construction jobs and 15,000 permanent jobs.

(l) The proposed Baylands project site includes an existing, active public transit station on the Caltrain commuter rail line.

(m) The proposed Baylands project site borders San Francisco's city and county limits, is adjacent to the biotechnology hub of South San Francisco, is 20 miles from Silicon Valley, and is presently and readily accessible to these areas on existing public rail transit.

(n) A draft environmental impact report (EIR) was prepared by the City of Brisbane and released for public comment on June 11, 2013. The comment period remained open for 228 days. The Brisbane City Council has yet to vote to certify or reject the EIR and the Brisbane City Council has not voted on the specific plan or any aspect of the project proposal submitted in 2011.

(o) The Association of Bay Area Governments (ABAG) has designated the Baylands as a "Priority Development Area." The current "Plan Bay Area," the San Francisco Bay Area's sustainable communities strategy prepared in accordance with SB 375 and adopted by ABAG and the Metropolitan Transportation Commission in 2017, projects 4,400 residential housing units to be provided by the Baylands project.

(p) The Baylands project is supported by many public officials and community organizations, including: The Greenbelt Alliance, Bay Area Council, Housing Leadership Council of the San Mateo County, San Francisco Bay Area Planning and Urban Research Association (SPUR), San Francisco Housing Action Coalition, and San Mateo County Economic Development Association.

SEC. 2. Section 65913.5 is added to the Government Code, to read:

65913.5. (a) For purposes of this section:

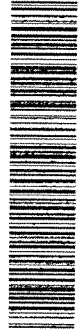
(1) "Baylands project" or "project" means the mixed-use residential development proposed in a draft specific plan submitted by Universal Paragon Corporation to the City of Brisbane in 2011 and evaluated in the EIR.

(2) "Development proponent" means the Universal Paragon Corporation.

(3) "EIR" means the draft environmental impact report circulated by the City of Brisbane for public comment beginning on June 11, 2013, for 228 days.

(4) "City" means the City of Brisbane.

(b) The Baylands project shall be subject to the streamlined, ministerial approval process provided by this section and not subject to a conditional use permit, based on the following objective planning standards:



(1) The project is a mixed-use housing development that contains thousands of residential units, including units available below market rate and units affordable for all income levels.

(2) The project is located on a site that is a legal parcel or parcels located in a city that includes some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau.

(3) The project is located on a site that is, or as part of the project is proposed to be, zoned for either residential use or mixed use with at least two-thirds of the square footage designated for residential use.

(4) The project includes remediation of a historically contaminated area.

(5) The project site has an existing and active commuter rail station on the Caltrain commuter rail line providing ready and existing access to the San Francisco and Silicon Valley.

(6) The project is consistent with the applicable regional transportation plan adopted by the Metropolitan Planning Commission and the Association of Bay Area Governments pursuant to Section 65080, known as Plan Bay Area 2040, including the sustainable communities strategy required by paragraph (2) of subdivision (b) of Section 65080.

(c) (1) If the city determines that the project is in conflict with any of the objective planning standards specified in subdivision (b), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, within 90 days of the effective date of the act adding this section. In specifying the basis for its determination, the city shall also specify the actions or modifications necessary to bring the project into consistency with those standards. A finding of conflict with objective planning standards pursuant to this subdivision shall not be a basis for disapproval of the project.

(2) If the city fails to provide the required documentation pursuant to paragraph (1), the project shall be deemed to satisfy the objective planning standards specified in subdivision (b).

(d) Any design review or public oversight of the project may be conducted by the city's planning commission, any equivalent board or commission responsible for review and approval of development projects, or the city council, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for the project, as well as any reasonable objective design standards published and adopted by ordinance or resolution by the city before submission of a development application, if any, and shall be broadly applicable to development within the city. That design review or public oversight shall be completed, and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, within 180 days of the effective date of the act adding this section.

(e) Notwithstanding any other law, the city, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for the project.

(f) (1) Except as otherwise provided in paragraph (2), approval of the project pursuant to this section shall remain valid for five years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as



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vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the city shall have discretion to grant, an additional one-year extension to the original five-year period. The city's action and discretion in determining whether to grant the foregoing extension shall be limited to the considerations and the process set forth in this section.

(2) Notwithstanding any other law, approval of the project pursuant to this section shall not expire if the project includes public investment in housing affordability.

(g) The city shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to the project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(h) This section shall not affect the development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of subdivision (i) of Section 65583.2.

SEC. 3. Each provision of this measure is a material and integral part of this measure, and the provisions of this measure are not severable. If any provision of this measure or its application is held invalid, this entire measure shall be null and void.

SEC. 4. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the uniquely severe housing shortage in the City of Brisbane and the potential for the Baylands project to help alleviate this shortage.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

