

Date of Hearing: August 11, 2020

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
SB 902 (Wiener) – As Amended May 21, 2020

SENATE VOTE: 33-3

SUBJECT: Planning and zoning: housing development: density.

SUMMARY: Allows counties and cities to pass ordinances to zone any parcel for up to 10 units of residential density per parcel in transit-rich or jobs-rich areas or urban infill sites, and exempts these ordinances from the California Environmental Quality Act (CEQA). Specifically, **this bill:**

- 1) Allows a local government to pass an ordinance, notwithstanding any local restrictions on adopting zoning ordinances enacted by the jurisdiction, including restrictions enacted by a local voter initiative, that limit the legislative body’s ability to adopt zoning ordinances, to zone any parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in one of the following:
 - a) A transit-rich area;
 - b) A jobs-rich area; or,
 - c) An urban infill site.
- 2) Provides that an ordinance adopted in accordance with this bill shall not constitute a “project” for purposes of CEQA.
- 3) Requires the Department of Housing and Community Development (HCD) to publish and update a map of the state showing the areas identified by HCD as jobs-rich areas, beginning January 1, 2022, and every five years thereafter.
- 4) Provides the following definitions for purposes of this bill:
 - a) “High-quality bus corridor” means a corridor with fixed route bus service that meets all of the following criteria:
 - i) It has average service intervals of no more than 15 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive, and the three peak hours between 3 p.m. and 7 p.m., inclusive, on Monday through Friday;
 - ii) It has average service intervals of no more than 20 minutes during the hours of 6 a.m. to 10 a.m., inclusive, on Monday through Friday; and,
 - iii) It has average intervals of no more than 30 minutes during the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

- b) “Jobs-rich area” means an area identified by HCD in consultation with the Office of Planning and Research (OPR) that is high opportunity and either is jobs rich or would enable shorter commute distances based on whether, in a regional analysis, the tract meets both of the following:
 - i) The tract is high opportunity, meaning its characteristics are associated with positive educational and economic outcomes for households of all income levels residing in the tract; and,
 - ii) The tract meets either of the following criteria:
 - (1) New housing sited in the tract would enable residents to live near more jobs than is typical for tracts in the region; or,
 - (2) New housing sited in the tract would enable shorter commute distances for residents, relative to existing commute patterns and jobs-housing fit.
 - c) “Transit-rich area” means a parcel within one-half mile of a major transit stop, or a parcel on a high-quality bus corridor as defined in 4) a), above. For the purposes of this bill, “a major transit stop” means a site containing any of the following:
 - i) An existing rail or bus rapid transit station;
 - ii) A ferry terminal served by either a bus or rail transit service; or,
 - iii) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - d) “Urban infill site” means a site that satisfies all of the following:
 - i) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau (Census Bureau), or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the Census Bureau;
 - ii) A site in which at least 75% of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this provision, parcels that are only separated by a street or highway shall be considered to be adjoined; and,
 - iii) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.
- 5) Finds and declares that ensuring the adequate production of affordable housing is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.

EXISTING LAW:

- 1) Requires, pursuant to the Planning and Zoning Law, every county and city to adopt a general plan for land use development within its boundaries that includes a housing element, and requires zoning to be consistent with the general plan.
- 2) Requires the housing element to identify and analyze existing and projected housing needs, identify adequate sites with appropriate zoning to meet the housing needs of all income segments of the community, and ensure that regulatory systems provide opportunities for, and do not unduly constrain, housing development.
- 3) Provides each community's fair share of housing to be determined through the Regional Housing Needs Allocation (RHNA) process.
- 4) Requires, pursuant to CEQA, lead agencies with the principal responsibility for carrying out or approving a proposed project to undertake specified environmental review actions, unless the project is exempt from CEQA.
- 5) Generally requires, pursuant to CEQA, environmental review of zoning ordinances because they are considered a "project" under CEQA.
- 6) Exempts from CEQA the adoption of local ordinances providing for accessory dwelling unit (ADU) development.
- 7) Provides various exemptions to, or limitations of, the CEQA process via statute or categorical exemptions in CEQA guidelines developed by OPR and the Natural Resources Agency, including numerous exemptions or limitations for specified housing projects, including the following:
 - a) Exempts from CEQA any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report (EIR) has been certified after January 1, 1980, unless substantial changes or new information require the preparation of a supplemental EIR for the specific plan, in which case the exemption applies once the supplemental EIR is certified.
 - b) Exempts from CEQA, pursuant to SB 1925 (Sher), Chapter 1039, Statutes of 2002, specified residential housing projects that meet detailed criteria established to ensure the project does not have a significant effect on the environment. The SB 1925 exemptions are available to:
 - i) Affordable agricultural housing projects of not more than 45 units within a city, or 20 units within an agricultural zone, on a site not more than five acres in size;
 - ii) Urban affordable housing projects of not more than 100 units on a site not more than five acres in size; and,
 - iii) Urban infill housing projects of not more than 100 units on a site not more than four acres in size which is within one-half mile of a major transit stop.

- c) Requires, pursuant to SB 375 (Steinberg), Chapter 728, Statutes of 2008, metropolitan planning organizations (MPOs) to include a sustainable communities strategy (SCS), as defined, in their regional transportation plans, or an alternative planning strategy (APS), for the purpose of reducing greenhouse gas (GHG) emissions; aligns planning for transportation and housing; and, creates specified incentives for the implementation of the strategies, including CEQA exemption or abbreviated review for residential or mixed-use residential "transit priority projects" if the project is consistent with the use designation, density, building intensity, and applicable policies specified for the project area in either an approved SCS or APS.
- d) Establishes, pursuant to SB 226 (Simitian), Chapter 469, Statutes of 2011, abbreviated CEQA review procedures for specified infill projects, where only specific or more significant effects on the environment which were not addressed in a prior planning-level EIR need be addressed.
- e) Exempts from CEQA, pursuant to SB 743 (Steinberg), Chapter 386, Statutes of 2013, residential, mixed-use, and "employment center" projects, as defined, located within "transit priority areas," as defined, if the project is consistent with an adopted specific plan and specified elements of an SCS or APS adopted pursuant to SB 375.
- f) Establishes, pursuant to SB 35 (Wiener), Chapter 366, Statutes of 2017, a ministerial approval process (i.e., not subject to CEQA) for certain multifamily affordable housing projects that are proposed in local jurisdictions that have not met regional housing needs.
- g) Authorizes, pursuant to SB 540 (Roth), Chapter 369, Statutes of 2017, a city or county to establish a Workforce Housing Opportunity Zone (WHOZ) by preparing an EIR and by adopting a specific plan. Once a WHOZ is established, and for five years thereafter, requires approval of eligible housing developments within a WHOZ within 60 days without requiring the preparation of an EIR or negative declaration under CEQA.
- h) Authorizes, pursuant to AB 73 (Chiu), Chapter 371, Statutes of 2017, a city or county to create a "housing sustainability district" (HSD) to complete upfront zoning and environmental review in order to receive incentive payments for residential and mixed-use development projects with an affordable housing component. Requires the city or county to prepare an EIR when designating an HSD, then "housing projects" within, and consistent with, a designated HSD are exempt from CEQA.
- i) Exempts from CEQA, pursuant to AB 1804 (Berman), Chapter 670, Statutes of 2018, multi-family residential and mixed-use housing projects on infill sites within cities and unincorporated areas that are within the boundaries of an urbanized area or urban cluster.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- The Department of Housing and Community Development estimates total General Fund costs of \$462,000 in the first year, and \$329,000 annually thereafter as follows:

\$262,000 in the first year and \$249,000 annually thereafter for 1.25 PY of staff time to: produce guidance materials and provide technical assistance to local governments and developers; coordinate with OPR and academic researchers to identify jobs-rich areas,

perform IT services to publish maps; and update the jobs-rich data and mapping every five years.

\$200,000 in the first year and \$80,000 annually ongoing to contract with researchers to develop, host, and update the jobs-rich maps.

- Unknown, likely minor costs for OPR to coordinate with HCD to identify high opportunity areas that are either jobs-rich or enable shorter commute distances, as specified. (General Fund)

COMMENTS:

- 1) **Background.** The Planning and Zoning Law requires every county and city to adopt a general plan that sets out planned uses for all of the area covered by the plan. A general plan must include specified mandatory “elements,” including a housing element that establishes the locations and densities of housing, among other requirements. Cities’ and counties’ major land use decisions – including most zoning ordinances and other aspects of development permitting – must be consistent with their general plans.

Zoning ordinances establish the type of land uses that are authorized in a designated area, as well as other uses that may be allowed if they meet conditions imposed by the local agency to address aesthetics, community impacts, or other site-specific considerations.

- 2) **CEQA and Zoning.** CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows that the project would not have a significant effect on the environment, the lead agency must prepare a negative declaration or a mitigated negative declaration. If the initial study shows that the project may have a significant effect, the lead agency must prepare an EIR.

Generally, an EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. Before approving any project that has received environmental review, an agency must make certain findings. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

A zoning ordinance is generally considered a “project” under CEQA if it will have a significant impact on the environment. However, the adoption of local ordinances providing for ADU development are exempt from CEQA. There are also several statutory exemptions that provide limited environmental review for projects that are consistent with a previously adopted general plan, community plan, specific plan, or zoning ordinance.

- 3) **CEQA Exemptions for Housing Projects.** CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines developed by OPR and the Natural Resources Agency, for housing projects. CEQA exemptions can provide a tremendous benefit to property owners, developers, and local governments and other parties involved in

the approval of a project as they allow for the project to be completed in an expedited fashion.

Each of these exemptions include a range of conditions, including requirements for prior planning-level review, as well as limitations on the location and characteristics of the site. These conditions are intended to guard against the approval of projects with significant environmental impacts that go undisclosed and unmitigated – which could otherwise endanger workers, residents and the environment.

- 4) **“Missing-Middle” Housing.** The cost of housing in California is the highest of any state in the nation. Additionally, the pace of change has far outstripped that in other parts of the country. While housing in California was 30% more expensive than the U.S. average in 1970, now it is 250% more expensive. Although incomes have also increased over that period, they have done so at a much slower pace. The result is that housing has become much more expensive. Only 28% of households can buy the median priced home. More than half of renters and 80% of low-income renters are rent-burdened, meaning they pay more than 30% of their income towards rent. According to a 2016 McKinsey Global Institute report, Californians pay \$50 billion more per year for housing than they are able to afford (nearly \$3,000 per household).

One of the many reasons that housing is too expensive is the type of housing that is being built. Almost all of the housing built in California is single-family (which can be an inefficient use of land) and mid- and high-rise construction (which is expensive to build). One strategy to reduce the cost of housing is to facilitate the construction of “Missing-Middle” housing types that accommodate more units per acre, but are not inherently expensive to build. This includes medium-density housing, such as duplexes, fourplexes, garden apartments, town homes, and so forth. In addition to being land-efficient while being less expensive to build, these housing types have several other benefits, including:

- a) Being more contextually similar to existing single-family neighborhoods;
- b) Providing sufficient density to support the shops, restaurants, and transit that are associated with walkable neighborhoods;
- c) Helping expand the pool of homebuilders, since the construction and building materials are comparatively less complicated than larger mid- and high-rise structures; and,
- d) Being naturally less expensive in the market because each living unit is typically smaller than a single-family home, thereby helping increase access to opportunity and facilitating neighborhood equity and inclusion.

A major reason that these units are not being built is that not enough land is designated for multi-family housing under local zoning. A 2019 Turner Center survey of California cities and counties revealed that only 7% of local jurisdictions zoned more than half their land for multi-family housing, and only 35% zoned one quarter of their land for multi-family housing.

- 5) **Housing Element and RHNA.** Under Housing Element Law, counties and cities must identify and analyze existing and projected housing needs, identify adequate sites with appropriate zoning to meet the housing needs of all income segments of the community, and

ensure that regulatory systems provide opportunities for, and do not unduly constrain, housing development.

Local governments must accommodate in their housing element their fair share of housing that is determined through the RHNA process. The RHNA allocation is divided into housing affordable at multiple economic strata. This fair share allocation occurs every eight years, and local governments are required to update their housing elements accordingly.

There have been major reforms in Housing Element law and the RHNA process in the last several years, which has resulted in higher RHNA numbers for cities and counties in the upcoming RHNA cycle. For example, in the 5th RHNA Cycle the Southern California Association of Governments (SCAG) received a RHNA of **409,000 – 438,000**. By contrast, in the 6th RHNA Cycle SCAG received a RHNA of **1,341,827**. Density and upzoning will become necessary tools for cities and counties to meet these increased allocation numbers.

- 6) **Bill Summary.** This bill allows counties and cities to pass an ordinance to zone any parcel for up to 10 units of residential density per parcel if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site as defined in the bill. The bill allows the ordinance to specify the height limits that would apply to such zoning.

This bill exempts the adoption of such ordinances from CEQA. It also allows passage of such ordinances notwithstanding any local restrictions on adopting zoning ordinances enacted by the jurisdiction, including restrictions enacted by a local voter initiative, that limit the legislative body's ability to adopt zoning ordinances. It applies to all cities, including charter cities.

This bill requires HCD to publish a state map showing areas identified as "jobs-rich areas" by January 1, 2022, and to update the map every five years thereafter. This bill is sponsored by California YIMBY.

- 7) **Author's Statement.** According to the author, "SB 902 provides cities with a powerful new tool to quickly re-zone for increased density. California already had a 3.5 million homes shortage and housing affordability crisis before the COVID-19 pandemic, and now faces an even greater challenge. SB 902 will help spur increased housing density and shelter creation in areas connected to transit and jobs, in order to make housing more affordable and help unhoused people get back on their feet."
- 8) **Policy Considerations.** The Committee may wish to consider the following policy issues:
- a) **CEQA Exemptions Generally.** A number of stakeholders have raised concerns with exempting the zoning ordinances specified in this bill from CEQA. They argue that the CEQA exemption in this bill removes the ability of local governments to be fully informed of the ordinance's potential environmental consequences. Without this review, a local government might not be properly informed of traffic impacts, air impacts, compatible use issues, or other environmental effects. They express concern that bypassing CEQA in this manner could create a liability for decision-makers. They also question whether it is appropriate for the public to live with the results of a zoning ordinance that might not have been fully vetted.

- b) **Zoning for Residential Use in Non-residential Zones, Absent CEQA.** This bill allows zoning for up to 10 units of housing per parcel in three areas – transit-rich areas, jobs-rich areas, and urban infill sites. While the definition for urban infill sites specifies that the site must be zoned for residential use or residential mixed-use development, or have a general plan designation for these uses, the definitions for transit-rich areas and jobs-rich areas do not. This means it is possible that, under the provisions of this bill, a county or a city could zone for up to 10 units of housing on a site that was never planned or zoned for residential use (i.e., commercial, industrial, or agricultural) without any CEQA review of that zoning action. While it is unknown if or how many parcels in transit-rich or jobs-rich areas are not already zoned for residential or residential mixed-use development, the Committee may wish to consider the potential outcomes of allowing zoning for up to 10 units of residential density in transit-rich or jobs-rich areas as those terms are defined in this bill.
- c) **CEQA Exemptions for Housing Projects and for Zoning.** This bill provides a CEQA exemption for the zoning ordinances described in the bill. Existing law contains numerous CEQA exemptions or limitations for specific housing projects. The Committee may wish to consider how this bill’s CEQA exemptions for zoning will interact with existing CEQA exemptions for projects, and whether these provisions acting in concert will provide adequate environmental review.

As an example, SB 35 (Wiener), Chapter 366, Statutes of 2017, provides a ministerial approval process (i.e., not subject to CEQA) for certain multifamily affordable housing projects. SB 35 focused on addressing the significant length of time it takes to approve housing even if the project is entirely within appropriate zoning. Supporters argued that SB 35 was necessary because it should not take years to approve a zoning-compliant housing development.

One of the conditions for SB 35 projects is that they must be located in an area zoned for residential use. As noted above, this bill could allow some parcels that are not presently zoned for residential use to be zoned for residential density of up to 10 parcels. Because this bill could expand the number of parcels zoned for residential use (without CEQA review), it could also expand the applicability of SB 35 (which also circumvents CEQA review). And – while SB 35 contained specified parameters to mitigate the CEQA exemption – some of those parameters have been challenged by stakeholders who are not protected by those limitations, or by recent litigation.

- d) **Overriding Local Voters.** This bill allows a city or county to adopt a zoning ordinance that allows residential density of up to 10 units per parcel even if that conflicts with a local voter initiative. This poses several questions. Is it appropriate to allow a local governing body to override the wishes of its constituents? Is it likely a city council or county board of supervisors would do so? And are there constitutional conflicts with this provision? According to the Senate Governance and Finance Committee in its comment on this bill:

“In 1911, California voters amended the Constitution to provide voters the power to enact initiatives and referenda. The voter initiative is a ‘reserved power;’ it is not a right granted to them, but a power reserved by them. As such, the power of initiative is integral to California’s political process. One common way the initiative power is used is

to adopt urban growth boundaries or other growth management ordinances. Voters adopt these measures for a variety of reasons, some more noble than others. For example, some are adopted out of environmental concerns, such as preventing sprawl or reducing pressure to convert agricultural land to urban uses, while others are intended to block new neighbors from moving in. SB 902 allows local officials to adopt zoning that allows up to 10 units on a parcel, even if local voters have said they don't want it. Should politicians be able to override the preferences of local voters?"

- e) **Affordability Requirements.** This bill contains no requirements for affordability of housing that eventually could be built on parcels zoned according to its provisions. Some stakeholders worry that units would all be market-rate and that the bill will do nothing to address California's shortage of affordable housing. In addition, the American Planning Association, in support of the bill, has encouraged the author to "incorporate equity and affordability provisions, particularly including the clarification that local inclusionary, community benefits requirements, and value capture schemes do not constitute a 'limitation' as used in (SB) 902."
- f) **Protections for Existing Tenants.** The AIDS Healthcare Foundation, expressing a "support, if amended" position on this bill, writes, "An earlier version of SB 902 contained protections for existing rental housing. That language, which was removed when the bill was narrowed to its current provisions, is now absent from the entire Senate housing package. That oversight leaves open the likelihood that some affordable housing will be lost as local governments implement SB 902 without affordable housing protections.

"The other consequence of SB 902 is the potential dislocation of existing tenants and the consequent creation of more housing-challenged Californians. A single family home that could be replaced under the terms of the bill could be the residence of low income tenants; in many neighborhoods, those houses are frequently home to extended families or multiple families. So, the impact can be much more broad than might be readily apparent. Displacing some single family households could be as impactful as displacing a small apartment building."

- g) **Jobs-rich Definition and HCD Requirements.** The California Tax Credit Allocation Committee (TCAC) and HCD in 2017 created the California Fair Housing Task Force and charged it with creating an opportunity map to identify areas in every region of the state whose characteristics have been shown by research to support positive economic, educational, and health outcomes for low-income families – particularly long-term outcomes for children. TCAC adopted this map into its regulations in December 2017 and updates it annually, including reviewing the methodology to make improvements over time. It has been suggested that this bill's definition of "jobs-rich area" could be replaced with a definition tied to these opportunity maps that HCD already creates, and the requirement in this bill for HCD to create new and separate "jobs-rich area" maps could be removed.
- h) **Transit-rich Definition.** It has been suggested that this bill's definition of "transit-rich areas" could be expanded to include low vehicle miles travelled (VMT) areas. In addition, the Bay Area Transportation Working Group (BATWG), expressing an "oppose, unless amended" position on this bill, writes, "BATWG is very concerned over

the definition of the terms “high-quality bus corridor” and “major transit stop” in (SB 902) that relate to transportation, land use, housing, and related subjects. These imprecisely defined terms set very low performance standards for transit service access and therefore are being used to place unqualified real estate developments in the fast-track. In truth, these low standards will not, in most cases, result in sufficient numbers of travelers shifting to transit to meet State legislative expectations.”

- i) **Upzoning Only?** This bill allows zoning for *up to* 10 units of housing per parcel, but does not specify that zoning must actually *increase* housing density. The Committee may wish to ask the author regarding intent and whether the bill should specify that ordinances adopted pursuant to its provisions must upzone rather than downzone parcels.
 - j) **Density Per Parcel vs. Density Per Acre.** This bill allows zoning for up to 10 units of residential density *per parcel*. Density requirements or limitations are typically expressed in units *per acre*, rather than units per parcel. Under this bill, 10 units per parcel could result in varying densities depending on the size of the parcel. The Committee may wish to consider if minimum and maximum parcel sizes for the 10 units of residential density allowed under the bill should be specified.
 - k) **Additional Parameters.** Stakeholders have suggested prohibiting, in any zoning ordinances approved pursuant to this bill, access to streamlined project approvals that are allowed under current law if the project is located in a very high fire hazard severity zone, a coastal zone, or a state or national historic district.
- 9) **Related Legislation.** SB 902 is part of the Senate’s 2020 Housing Production Package, which also includes the following bills:

SB 995 (Atkins) extends for four years the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 until 2025 and makes housing projects that meet certain requirements, including specified affordable housing requirements and labor requirements, eligible for certification under the Act. SB 995 is pending in the Assembly Appropriations Committee.

SB 1085 (Skinner) makes various changes to density bonus law, including providing additional benefits to housing developments that include moderate-income rental housing units. SB 1085 is pending in the Assembly Appropriations Committee.

SB 1120 (Atkins) requires ministerial approval of housing developments with two units (duplexes) and subdivision maps that meet certain conditions, and increases the length of time that cities and counties can extend the validity of existing subdivision maps. SB 1120 is pending in the Assembly Local Government Committee.

SB 1385 (Caballero) enacts the Neighborhood Homes Act, which establishes housing as an allowable use on any parcel zoned for office or retail uses, and allows for ministerial approval of those developments under specified conditions. SB 1385 is pending in the Assembly Local Government Committee.

- 10) **Arguments in Support.** California YIMBY, sponsor of this bill, writes, “As you know, California has a statewide housing shortage of nearly 3.5 million homes. Low- and middle-

income households face historic rent burden in California, and the problem worsens by the day as middle-income households move into naturally affordable housing previously occupied by low-income renters – forcing these households to move further away from their jobs, and in some cases, onto the streets.

“Undersupply of ‘Missing Middle’ housing, or medium density housing near jobs and transit, is one of the key factors contributing to the displacement and rent burden of Californians across the state. This sort of housing is banned in over 70 percent of the state, and various state and local laws make it extremely difficult to do common-sense rezoning’s quickly – even very mild efforts are often mired in expensive, decades-long legal appeals and litigation.

“SB 902 adopts best practices from housing experts at the University of California Los Angeles for resolving California’s housing shortage...(by authorizing) local governments to rezone neighborhoods for increased housing density, up to ten homes per parcel. This authorization will require that a legislative body, such as a city council, pass a resolution to adopt the plan. To be eligible for this local action, an area must be urban infill, consistent with the definition used in Senate Bill 35, or be near high quality public transportation or a job-rich area. SB 902 is an effective step forward in fixing our historic statewide housing shortage.”

- 11) **Arguments in Opposition.** The State Building and Construction Trades Council, opposed unless amended, writes, “We understand the desire of policy makers to increase infill development, but we are concerned that, similar to Senator Wiener’s previous bill, SB 35, if SB 902 were to pass there would be efforts down the road to expand its reach to beyond ten units. We have faced similar issues with other bills this session that seek to expand existing by-right for specific-sized construction projects to larger projects once enacted. Even though the by-right provision has been removed from SB 902, we need to ensure we have worker protections added to it in case the law created by this bill is expanded in the future to projects of more than 10 units. We have worked with various authors in the past on ensuring that prevailing wage and skilled and trained requirements are included in other bills and would like to do the same on SB 902.

“We also have serious concerns with the exemption from CEQA any property that has been rezoned to residential use. One of the most important reasons that we support CEQA and work hard to ensure that it is used properly but kept robust, is that the CEQA process ensures that a piece of land earmarked for development is safe for workers to be working on. It is critical that before construction workers show up to start moving dirt around, digging, or turning over the soil that they know the jobsite does not contain materials that could adversely affect their health. Unfortunately, SB 902 would allow a piece of land that was never meant to be used to house people or build housing upon to never be analyzed and inspected to ensure it is safe for workers, homeowners, or renters.

“Working families across the economic spectrum are increasingly spending more of their income on housing costs. Even for many of our members it is almost impossible to afford fair market rent for a two-bedroom apartment let alone entertain the dream of owning their own home. Income inequality has grown to alarming rates over the past three decades and will be further intensified by the current economic recession, which will severely impact construction workers and their families, leaving tens of thousands in economic distress. This

is not the time to grant CEQA streamlining or exemptions to any kind of housing development without wage, benefit, health and safety, and training protections for the workers who will build this housing.”

REGISTERED SUPPORT / OPPOSITION:

Support

California YIMBY [SPONSOR]
350 Bay Area Action
350 Sacramento
All Home
American Planning Association, California Chapter
Associated Builders and Contractors Northern California Chapter
Association of Bay Area Governments (ABAG)
Bay Area Council
Bay Area Housing Advocacy Coalition
BRIDGE Housing Corporation
California Apartment Association
California Association of Realtors
California Building Industry Association
California Chamber of Commerce
California Community Builders and The Two Hundred
California Downtown Association
Central City Association
Chan Zuckerberg Initiative
City of Fullerton
City of Oakland
Council of Infill Builders
East Bay for Everyone
Facebook
Generation Housing
Habitat for Humanity California
Hollywood Chamber of Commerce
Hollywood YIMBY
House Sacramento
League of Women Voters of California
Livable Sunnyvale
Los Angeles Business Council
Los Angeles County Business Federation (BIZFED)
Metropolitan Transportation Commission
Monterey Peninsula Renters United
New Pointe Communities
Non-Profit Housing Association of Northern California
North County YIMBY
Orange County Business Council
Peninsula for Everyone
Salesforce.com
San Francisco Bay Area Planning and Urban Research Association (SPUR)

San Francisco Bay Area Rapid Transit District (BART)
San Francisco Housing Action Coalition
Santa Cruz YIMBY
Schneider Electric
Silicon Valley At Home (SV@HOME)
Silicon Valley Community Foundation
Silicon Valley Leadership Group
SLO County YIMBY
South Bay YIMBY
South California Rental Housing Association
South Pasadena Residents for Responsible Growth
Sv@home Action Fund
Techequity Collaborative
The Greenlining Institute
The Two Hundred
TMG Partners
Up for Growth
Valley Industry & Commerce Association
Ventura County YIMBY
Westside Young Democrats
YIMBY Action
YIMBY Democrats of San Diego County
YIMBY Voice
Zillow Group

Support if Amended

AIDS Healthcare Foundation

Oppose

Aircraft Owners and Pilots Association
Angeles Mesa Homeowners Community Group
Brentwood Homeowners Association
Brynhurst Avenue Block Club
California State Association of Electrical Workers
California State Pipe Trades Council
Cherrywood Leimert Park Block Club
Cities Association of Santa Clara County
Citizens Preserving Venice
Citizens Protecting San Pedro
Cities of El Segundo, Hidden Hills, Rancho Palos Verdes, Redondo Beach, Saratoga,
Thousand Oaks, and Torrance
Communities United CD7
Comstock Hills Homeowners Association
Contra Costa Taxpayers Association
Coral Tree Endowment Fund
Families of Park Mesa Heights
Federation of Hillside and Canyon Associations

Franklin Corridor Coalition
Friends of Sunset Park
Grayburn Avenue Block Club
Graylawn Neighbors for Quality of Life
International Elevator Constructors Union
Leimert Park - Edgehill Drive Residents Association
Livable Riverside & Moreno Valley
Mission Street Neighbors
New Livable California Db a Livable California
Noe Neighborhood Council
North Santa Ana Preservation Alliance
Northeast San Fernando Valley Activists
Orange County Council of Governments
Protecting Our Foothill Community
Riviera Homeowners Association
Shadow Hills Property Owners Association
Sherman Oaks Homeowners Association
Southeast Torrance Homeowners' Association, Inc. (SETHA)
Sunnyvale Neighbors
Sunset-Parkside Education and Action Committee (SPEAK)
Sustainable Tamalmon te
Tamalpais Design Review Board
Tarzana Property Owners Association
Telegraph Hill Dwellers
Victoria/54th Ave Block Club
View Heights Block Club
WCH Association
Western States Council of Sheet Metal Workers
Westwood Hills Property Owners Association
Wilshire Montana Neighborhood Coalition
Individual letters (34)

Oppose Unless Amended

Bay Area Transportation Working Group
California Labor Federation, AFL-CIO
California State Council of Laborers
California Teamsters Public Affairs Council
Cities of Agoura Hills, Cupertino, Dublin, Livermore, Pleasanton, and San Ramon
International Union of Elevator Constructors
International Union of Operating Engineers, Cal-Nevada Conference
Pacific Palisades Community Council
State Building & Construction Trades Council of California
Town of Danville
Transportation Solutions Defense and Education Fund

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